



भारत का राजपत्र The Gazette of India

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No. 5] NEW DELHI, FEBRUARY 4—FEBRUARY 10, 2024, SATURDAY/MAGHA 15—MEGHA 21, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कौशल विकास और उद्यमशीलता मंत्रालय
(प्रशिक्षण महानिदेशालय)
नई दिल्ली, 5 फरवरी, 2024

का.आ. 162.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग नियम 1976 (यथा संशोधित 1987) के नियम 10 के उप नियम (2) एवं (4) के अनुसरण में एतद्वारा प्रशिक्षण महानिदेशालय (कौशल विकास और उद्यमशीलता मंत्रालय) के अधीनस्थ कार्यालयों क्षेत्रीय कौशल विकास और उद्यमशीलता निदेशालय, महाराष्ट्र तथा राष्ट्रीय कौशल प्रशिक्षण संस्थान, मुंबई को जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[फा. सं. डीजीटी-ई-11012/1/2017-हिंदी]

गुलाब चंद्रा, सहा. निदेशक

MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP**(Directorate General of Training)**

New Delhi, the 5th February, 2024

S.O. 162.—In Pursuance of sub- rule (2) and (4) rule 10 of the Official Languages (Use of Official Purposes of the Union) Rule 1976 (As Amended 1987), the Central Government hereby notifies the Regional Directorate of Skill Development & Entrepreneurship, Maharashtra and National Skill Training Institute, Mumbai are subordinate offices of Directorate General of Training (Ministry of Skill Development and Entrepreneurship), more than 80% staff whereof have acquired the working knowledge of Hindi.

[F. No. DGT-E-11012/1/2017-HINDI]

GULAB CHANDRA, Asstt. Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 जनवरी, 2024

का.आ. 163.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) भारत के राजपत्र, (असाधारण) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 994(अ), तारीख 02 मार्च 2022, में प्रकाशित की गई थी, द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा तमिलनाडु राज्य में एन्नोर- तिरुवल्लूर - बेंगलुरु - पुदुचेरी- नागपट्टिनम - मदुरै - टूटिकोरिन प्राकृतिक गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशयकी घोषणा की थी।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 07.03.2022 से उपलब्ध करा दी गई थी।

और उक्त अधिनियम की धारा 6 की उप - धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाश की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी रुकावटों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : तिरुवल्लूर			राज्य : तमिलनाडु			
तालुका	गाँव	सर्वेक्षणसं.- खण्डसं.	उपखण्डसं	क्षेत्रफल		
(1)	(2)	(3)	(4)	हेक्टेर	एयर	वर्गमीटर
ऊथुक्कोट्टै	79. नेयवेली	368	1ए1	00	21	40
		369	1ए1बी	00	00	65

गुम्मिडिपूंडि	46. सिरुपुहलपेट्टै-II	995	1	00	00	40
	(गुरुवराज कंडिगै)	994	1ए	00	08	70
		1005	6बी	00	01	40
		1005	7बी	00	04	80
		1004	2ओ	00	01	75
		1004	2आर	00	00	40

[फा.सं. एल-14014/32/2022-जी पी -II(ई-41702)]

रामजी लाल मीना, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 30th January, 2024

S.O. 163.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.No.994(E) dated: 02.03.2022 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the Right of User in the Lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of Natural Gas, through “Ennore- Thiruvallur -Bengaluru -Puducherry -Nagapattinam –Madurai- Tuticorin” Natural Gas Pipeline in the State of Tamil Nadu by Indian Oil Corporation Limited.

And whereas, copies of the said notifications were made available to the public from 07.03.2022.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of User in the Land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said Land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the Right of User in the said Land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of section 10 of the P & M P Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE						
District: Tiruvallur				State : Tamil Nadu		
Taluk	Village	Survey No. / Division No.	Sub Division No.	Area		
				Hectare	Are	Square Meter
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Uthukkottai	79.Neyveli	368	1A1	00	21	40
		369	1A1B	00	00	65
Gummidipoondi	46.Sirupuzhalpettai-II (Guruvarajakandigai)	995	1	00	00	40
		994	1A	00	08	70
		1005	6B	00	01	40
		1005	7B	00	04	80
		1004	2O	00	01	75
		1004	2R	00	00	40

[F. No. L-14014-32-2022-GP-II(E-41702)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 30 जनवरी, 2024

का.आ. 164.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 कि उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2389 (अ) तारीख 26.05.2022 और का. आ. 2415 (अ) तारीख 31.05.2023 जो भारत के असाधारण राजपत्र तारीख 26.05.2022 और 02.06.2023 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड द्वारा मिजोरम राज्य में पानिसागर - अईज़ोल खंड प्राकृतिक गैस पाइपलाइन के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने जनता से प्राप्त आक्षेपों को परीक्षण के उपरांत निपटान कर दिया है;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप - धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 कि उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और भारत सरकार, उक्त अधिनियम की धारा 6 कि उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, यह निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग के अधिकार, इस घोषणा के प्रकाशन की तारीख को, भारत सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुये, सभी विलंगमों से मुक्त, मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड में निहित होगा।

अनुसूची

जिला: अईज़ोल		राज्य: मिजोरम			
तहसील/ब्लॉक	गाँव	सर्वेनं	क्षेत्रफल		
			हेक्टेअर	आर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
तलंगनूअम	सिहमुई	अईज़ 1-1A	00	24	59
		अईज़ 1-2	00	34	45
		अईज़ 1-3	00	39	12
		अईज़ 1-4	00	69	53
		अईज़ 1-5	00	39	76
		अईज़ 1-6	00	13	37
तलंगनूअम	सकोरतुईछुउन	अईज़ 2-7	00	13	70
		अईज़ 2-8	00	26	52
		अईज़ 2-9	00	14	42
		अईज़ 2-10	00	10	81
		अईज़ 2-11	00	05	09
		अईज़ 2-12	00	05	07
		अईज़ 2-13	00	04	65
		अईज़ 2-14	00	07	41

		अईज़ 2-15	00	02	32
		अईज़ 2-16	00	25	15
		अईज़ 2-17	00	18	14
		अईज़ 2-18	00	03	94
		अईज़ 2-19	00	07	16
		अईज़ 2-19A	00	16	56
तलंगनूअम	लुआंगमुअल	अईज़ 3-20	01	77	06
		अईज़ 3-21	00	02	93
		अईज़ 3-22	00	18	01
		अईज़ 3-23	00	17	55
		अईज़ 3-24	00	50	05

[फा. सं. एल-14014/109/2022-जीपी-II(ई-43045)]

रामजी लाल मीना, अवर सचिव

New Delhi, the 30th January, 2024

S.O. 164.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.2389(E) dated the 26.05.2022 and S.O.No.2415(E) dated the 31.05.2023, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extra Ordinary Gazette of India dated the 26.05.2022 & 02.06.2023, the Government of India declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of Natural Gas through Panisagar – Aizawl Pipeline section of North – East Natural Gas Pipeline Grid Project in the state of Mizoram, by Indradhanush Gas Grid Limited (IGGL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public.

And whereas the objections received from the public to the laying of the pipeline have been considered and disposed by the Competent Authority.

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act submitted its report to the Government of India.

And whereas the Government of India after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Government of India hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Government of India hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in Government of India, vest, on this date of the publication of the declaration, in the Indradhanush Gas Grid Limited (IGGL), free from all encumbrances

SCHEDULE

District: Aizawl			State : Mizoram		
Block/Tehsil	Village	Survey No	Area		
			Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
Tlangnuam	SairangSihhmui	AIZ 1-1A	00	24	59
		AIZ 1-2	00	34	45

		AIZ 1-3	00	39	12
		AIZ 1-4	00	69	53
		AIZ 1-5	00	39	76
		AIZ 1-6	00	13	37
Tlangnuam	Sakawrtuichhan	AIZ 2-7	00	13	70
		AIZ 2-8	00	26	52
		AIZ 2-9	00	14	42
		AIZ 2-10	00	10	81
		AIZ 2-11	00	05	09
		AIZ 2-12	00	05	07
		AIZ 2-13	00	04	65
		AIZ 2-14	00	07	41
		AIZ 2-15	00	02	32
		AIZ 2-16	00	25	15
		AIZ 2-17	00	18	14
		AIZ 2-18	00	03	94
		AIZ 2-19	00	07	16
		AIZ 2-19A	00	16	56
Tlangnuam	Luangmual	AIZ 3-20	01	77	06
		AIZ 3-21	00	02	93
		AIZ 3-22	00	18	01
		AIZ 3-23	00	17	55
		AIZ 3-24	00	50	05

[F. No. L-14014/109/2022-GP-II (E-43045)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 30 जनवरी, 2024

का.आ. 165.—जबकि भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि असम राज्य में नार्थ - इस्ट नेचुरल गैस पाइपलाइन ग्रिड परियोजना के गुवाहाटी - शिलांग- सिलचर- पानीसागर खंड के माध्यम से प्राकृतिक गैस के परिवहन के लिए मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइप लाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइप लाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियों साधारण जनता को उपलब्ध कर दी जाती है, 21 दिन के भीतर, भूमि के नीचे पाइप लाइन बिछाए जाने की संबंध में, सक्षम प्राधिकारी, मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड, असम राज्य, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची						
जिला : कामरूप मेट्रो			राज्य : असम			
तालुका	गाँव	सर्वेक्षणसं.- खण्डसं.	उपखण्डसं.	क्षेत्रफल		
				हेक्टेर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
सोनापुर	सोनापुर	सोनापुर	768	00	16	06
			317	00	04	95

			402	00	09	65
सोनापुर	सोनापुर	सोनापुर पठार	135	00	18	73
			249	00	16	30
			382	00	20	20

[फा. सं. एल-14014/249/2022-जीपी-II(ई-45396)]

रामजी लाल मीना, अवर सचिव

New Delhi, the 30th January, 2024

S.O. 165.—Whereas it appears to the Government of India that it is necessary in public interest that for transportation of natural gas through Guwahati – Shillong – Silchar-Panisagar Section of North - East Natural Gas Pipeline Grid Project in the State of Assam, a pipeline should be laid by M/s Indradhanush Gas Grid Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date of which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of User therein for laying of the pipeline under the land to Competent Authority, M/s Indradhanush Gas Grid Limited, State of Assam.

SCHEDULE						
District:- Kamrup (M)				State :- Assam		
Circle	Tahsil	Name of the Village/ Mouza	Survey No.	Area		
				Hectare	Are	Sq.mtr.
1	2	3	4	5	6	7
Sonapur	Sonapur	Sonapur	768	00	16	06
			317	00	04	95
			402	00	09	65
Sonapur	Sonapur	Sonapur Pathar	135	00	18	73
			249	00	16	30
			382	00	20	20

[F. No. L-14014/249/2022-GP-II (E-45396)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 30 जनवरी, 2024

का.आ. 166.—जबकि भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेघालय राज्य में नार्थ - इस्ट नेचुरल गैस पाइपलाइन ग्रिड परियोजना के गुवाहाटी – शिलांग- सिलचर- पानीसागर खंड के माध्यम से प्राकृतिक गैस के परिवहन के लिए मैसर्स इंद्रधनुष गैस ग्रिड लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियों साधारण जनता को उपलब्ध कर दी जाती है, 21 दिन के भीतर, भूमि के नीचे पाइप लाइन बिछाए जाने की संबंध में, सक्षम प्राधिकारी, मैसर्स इन्द्रधनुष गैस ग्रिड लिमिटेड, मेघालय राज्य, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची					
सी एंड आर डी ब्लॉक: मावरिंगकेनेंग		जिला: - पूर्वी खासी हिल्स	राज्य:- मेघालय		
सीरिल संख्या.	गांव का नाम	सर्वे संख्या	क्षेत्र		
			हेक्टेयर	आर	वर्ग मीटर
1	2	3	4	5	6
1	डिआंगपासोह जारोइट	कार्ट ट्रैक	00	30	31
2		एस2- सी /014	00	14	38
3		एस 2- सी /015	00	05	64
4		एस 2- सी /016	00	15	19
5		एस 2- सी /017	00	13	04
6		एस 2- सी /018	00	10	43
7		एस 2- सी /019	00	32	22
8		एस 2- सी /020	00	08	83
9		एस 2- सी /021	00	14	93
10		कार्ट ट्रैक	00	41	64
11		एस 5- सी /034	00	15	72
12		एस 5- सी /036	00	14	08
13		एस 5- सी /037	00	04	09
14		एस 5- सी /038	00	12	73
15		एस 5- सी /039	00	10	31
16		एस 5- सी /040	00	04	05

[फा. सं. एल-14014/250/2022-जीपी-II(ई-45397)]

रामजी लाल मीना, अवर सचिव

New Delhi, the 30th January, 2024

S.O. 166.—Whereas it appears to the Government of India that it is necessary in public interest that for transportation of natural gas through Guwahati – Shillong – Silchar-Panisagar Section of North - East Natural Gas Pipeline Grid Project in the State of Meghalaya, a pipeline should be laid by M/s Indradhanush Gas Grid Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962) Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date of which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of User therein for laying of the pipeline under the land to Competent Authority, M/s Indradhanush Gas Grid Limited, State of Meghalaya.

SCHEDULE					
C & R D Block: Mawryngkneng		District: - East Khasi Hills	State: - Meghalaya		
Sl. No.	Name of the Village	Survey No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1	Diengpasoh Jaroit	Cart Track	00	30	31
2		S2-C/014	00	14	38
3		S2-C/015	00	05	64
4		S2-C/016	00	15	19
5		S2-C/017	00	13	04
6		S2-C/018	00	10	43
7		S2-C/019	00	32	22
8		S2-C/020	00	08	83
9		S2-C/021	00	14	93
10		Cart Track	00	41	64
11		S5-C/034	00	15	72
12		S5-C/036	00	14	08
13		S5-C/037	00	04	09
14		S5-C/038	00	12	73
15		S5-C/039	00	10	31
16		S5-C/040	00	04	05

[F. No. L-14014/250/2022-GP-II (E-45397)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 30 जनवरी, 2024

का.आ.167.—दिनांक 10.01.2020 को भारत के असाधारण राजपत्र में प्रकाशित दिनांक 07.01.2020 की भारत सरकार की अधिसूचना संख्या का.आ. 154(अ) के आंशिक संशोधन और पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (इसमें इसके बाद उक्त अधिनियम कहा गया है) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार एतद्वारा, पंजाब राज्य में मैसर्स गेल (इंडिया) लिमिटेड की सभी प्राकृतिक गैस पाइपलाइन परियोजनाओं के लिए पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 के तहत श्री मनबीर सिंह ढिल्लों, तहसीलदार, दसूया, जिला - होशियारपुर, पंजाब सरकार को श्री गगनदीप सिंह, जिला राजस्व अधिकारी, मोगा, पंजाब सरकार के स्थान पर, अतिरिक्त कार्यभार आधार पर, सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना इसके जारी होने की तिथि से प्रभावी होगी।

[फा. सं. एल-14014/132/2019-जीपी-II(ई-48328)]

रामजी लाल मीना, अवर सचिव

New Delhi, the 30th January, 2024

S.O. 167.—In partial modification of Government of India notification no. S.O. 154(E) dated 07.01.2020 published in the Extraordinary Gazette of India dated 10.01.2020 and in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter called the said Act), the Government of India hereby authorizes Shri Manbir Singh Dhillon, Tehsildar, Dasuya, District - Hoshiarpur, Govt. of Punjab vice Shri Gagandeep Singh, District Revenue Officer, Moga, Govt. of Punjab to perform the functions of Competent Authority under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, on additional charge basis, for all Natural Gas Pipeline Projects of M/s GAIL (India) Limited in the State of Punjab.

2. This notification will be effective from the date of its issue.

[F. No. L-14014/132/2019-GP-II (E-48328)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 30 जनवरी, 2024

का.आ.168.—पेट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (इसमें इसके बाद उक्त अधिनियम कहा गया है), की धारा 2 के खंड (क) के अनुसरण में, भारत सरकार एतद्वारा नीचे दी गई तालिका के कॉलम (1) में उल्लिखित पद (पदों) धारी व्यक्ति (व्यक्तियों) को उक्त तालिका के कॉलम (2) में उल्लिखित क्षेत्रों के संबंध में मैसर्स गेल (इंडिया) लिमिटेड की गुरदासपुर-जम्मू प्राकृतिक गैस पाइपलाइन के लिए उक्त अधिनियम के तहत सक्षम प्राधिकारी (प्राधिकारियों) के कार्यों का निर्वहन करने हेतु प्राधिकृत करती है:-

तालिका

व्यक्तियों का पदनाम (1)	क्षेत्राधिकार (2)
1. सहायक आयुक्त, राजस्व, कठुआ जिला, जम्मू और कश्मीर सरकार	केंद्र शासित प्रदेश जम्मू और कश्मीर के जिला कठुआ के आर ओ डब्लू में आने वाले सभी राजस्व गाँव
2. सहायक आयुक्त, राजस्व, सांबा जिला, जम्मू और कश्मीर सरकार	केंद्र शासित प्रदेश जम्मू और कश्मीर के जिला सांबा के आर ओ डब्लू में आने वाले सभी राजस्व गाँव
3. सहायक आयुक्त, राजस्व, जम्मू जिला, जम्मू और कश्मीर सरकार	केंद्र शासित प्रदेश जम्मू और कश्मीर के जिला जम्मू के आर ओ डब्लू में आने वाले सभी राजस्व गाँव

2. यह अधिसूचना इसके जारी होने की तिथि से प्रभावी होगी।

[फा. सं. एल-14014/37/2023-जीपी-II (ई-48403)]

रामजी लाल मीना, अवर सचिव

New Delhi, the 30th January, 2024

S.O. 168.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter called the said Act), the Government of India hereby authorizes the person(s) holding the post(s) mentioned in column (1) of the Table given below to perform the functions of Competent Authority(s) under the said Act for Gurdaspur – Jammu Natural Gas Pipeline of M/s. GAIL (India) Limited in respect of the areas mentioned in Column (2) of the said Table:-

TABLE

Designation of Persons (1)	Areas of Jurisdiction (2)
1. Assistant Commissioner, Revenue, Kathua District, Government of Jammu and Kashmir	All Revenue villages falling in the RoW of District Kathua, Union Territory of Jammu & Kashmir
2. Assistant Commissioner, Revenue, Samba District, Government of Jammu and Kashmir	All Revenue villages falling in the RoW of District Samba, Union Territory of Jammu & Kashmir
3. Assistant Commissioner, Revenue, Jammu District, Government of Jammu and Kashmir	All Revenue villages falling in the RoW of District Jammu, Union Territory of Jammu & Kashmir

2. This notification will be effective from the date of its issue.

[F. No. L-14014/37/2023-GP-II (E-48403)]

RAMJI LAL MEENA, Under Secy.

नई दिल्ली, 2 फरवरी, 2024

का.आ.169.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार के अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में और पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय, भारत सरकार के 26 मई, 2020 के का.आ.1883 (अ) की अधिसूचना के संशोधन में उक्त अधिनियम के अधीन उत्तर प्रदेश

राज्य के राज्य क्षेत्र के भीतर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की रेवाड़ी कानपुर पाइपलाइन के लिए अपर नगर मैजिस्ट्रेट-तृतीय उत्तर प्रदेश सरकार, को श्री जिआ लाल, उप जिलाधिकारी के स्थान पर सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिए, प्राधिकृत करती है।

यह अधिसूचना जारी होने की तारीख से लागू है।

[फा. सं. आर-11025(15)/5/2019-ओआर-1/ई-30377]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 2nd February, 2024

S.O. 169.—In pursuance of clause (a) of section 2 of the Petroleum Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in modification of Notification of the Government of India, Ministry of Petroleum and Natural Gas S.O. No. 1883(E) dated the 26th May, 2020 the Central Government hereby authorizes Additional City Magistrate-3 Kanpur Nagar, Government of Uttar Pradesh, in place of Shri Jia Lal, Deputy Collector, to perform the functions of Competent Authority for Hindustan Petroleum Corporation Limited's Rewari Kanpur Pipeline under the said Act, within the territory of Uttar Pradesh State.

This notification is applicable from the date of issuance.

[F. No. R-11025(15)/5/2019-OR-1/E-30377]

P. SOMAKUMAR, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 29 जनवरी, 2024

का.आ. 170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण** — सह — **श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या **15/1998**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/258/97-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 29th January, 2024

S.O. 170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 15/1998**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-22012/258/97 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 15 OF 1998

PARTIES: Management of Nakrakonda Colliery of ECL

Vs.

Gouri Nath Banerjee

REPRESENTATIVES:

For the Management of ECL: Mr. P. K. Das, Adv.

For the Union/Workman: Mr. Pradip Kumar Goswami, Adv.

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 24.11.2023

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/258/97/IR(CM-II)** dated 12.06.1998 has been pleased to refer the following dispute between the employer, that is the Management of Nakrakonda Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Nakrakonda Colliery of M/s. ECL in dismissing Sh. G. N. Banerjee from service w.e.f. 23.1.96 is legal and justified? If not, to what relief is the workman entitled? ”

1. On receiving Order **No. L-22012/258/97/IR(CM-II)** dated 12.06.1998 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 15 of 1998** was registered on 25.06.1998 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of their witnesses.
2. Parties to the dispute appeared before the Tribunal and filed their respective written statement along with documents.
3. A brief profile of the workman's case as disclosed in his written statement is that he was a permanent employee, initially posted at Ajoy-II Colliery of Eastern Coalfields Limited (hereinafter referred to as ECL) as a Fitter Helper and was appointed as a General Mazdoor on 22.03.1982. He was transferred from Ajoy-II Colliery under Sripur to Nakrakonda Colliery under Bankola Area on the basis of a Transfer Order No. ECL/CMD/C-6B(R)/84/1129 dated 17.02.1984. On being released from Ajoy-II Colliery vide letter No. ECL/AJ/C-6B/84/1190 dated 22.02.1984 he reported to Nakrakonda Colliery and have worked there for ten (10) years and granted two (2) promotions at Nakrakonda Colliery on 07.03.1989 and 16/24.01.1994. The Coal Mines Provident Fund (hereinafter referred to as CMPF) account number of the workman mentioned in the Last Pay Certificate (hereinafter referred to as LPC) issued at the time of transfer is not correct and his CMPF account number is BKR/4/348. It is the case of the workman that management issued a Charge Sheet bearing No. NKR/PER/94-95/1184 dated 15.07.1994 under Clause 17(i)(a)(o)(u) of Model Standing Order, on receipt of an anonymous complaint, without any verification, alleging theft, fraud or dishonesty in connection with the employer's business. The employer alleged that there was misconduct on the part of the workman who fabricated documents showing his transfer from Ajoy-II Colliery, Sripur Area to Nakrakonda Colliery, Bankola Area though the workman was never posted at Ajoy-II Colliery. On the basis of said fabricated documents the workman fraudulently managed a posting at Nakrakonda Colliery as a transferred employee w.e.f. 02.03.1984 and continued to work and enjoy regular promotions and benefits. The workman submitted a reply to the Charge Sheet and preferred a Writ Petition before the Hon'ble High Court at Calcutta against the vague Charge Sheet issued to him. The Writ Petition was disposed of in favour of the petitioner workman and the Charge Sheet was set aside with a liberty to the management to issue fresh Charge Sheet describing the alleged misconduct. On 01.10.1994 the management of Nakrakonda Colliery issued fresh Charge Sheet bearing No. NKR/PER/94-95/1904 dated 01.10.1994 and a Domestic Enquiry was initiated. The workman was dismissed from service vide Order No. 23 dated 30.01.1996 without giving opportunity to the workman to present his case.
4. The case of the petitioner workman is that the Enquiry Officer was biased and based his findings on conjecture and surmise and shifted the entire burden of proof upon the him instead of placing the same upon the management by holding that he defence has failed to disprove the charge and the prosecution has got no duty to establish the charge. Further contention of the workman is that the Enquiry Officer did not enquire about the original Transfer Order, Release Order, and the LPC, which should have been produced by the management as the same were under the custody of management. The workman categorically stated that the CMPF account number mentioned in the LPC was not his and his CMPF account number is BKR/4/348 but the Enquiry Officer did not consider to verify the said statement. The Enquiry Officer also failed to consider that the salary of March, 1984 has been paid to the concerned workman which could not be done in absence of LPC and the original LPC has been sent in official course prior to March, 1984. On transfer of the workman at the time of joining his new place of posting at the colliery the management has verified the Transfer Order but the Enquiry Officer failed to consider the same. The Enquiry Officer did not take into consideration the documents which were checked and verified by the responsible Officers of the company. It is claimed that non-examination of the officers having personal knowledge about the matters and non-production of the original papers before the Enquiry Officer amounts to withholding the best evidence and the Enquiry Officer ought to have drawn adverse presumption against the management. The vigilance enquiry was started

by the management against the workman in respect of the aforesaid charges but report of the vigilance officer was not produced by the Enquiry Officer. The workman urged that punitive action cannot be taken against the workman on the basis of perverse findings. Regarding the order of dismissal, the delinquent contended that the punishing authority has not recorded any independent finding while passing the order of major punishment and has acted mechanically without applying mind. Besides, copy of Enquiry Proceeding and Enquiry Report were not served upon the workman before dismissing him from service. It is claimed that the impugned order of dismissal dated 23/30.01.1996 issued against Gouri Nath Banerjee is liable to be set aside and the workman should be reinstated in service with back wages.

5. The management of Nakrakonda Colliery in their written statement submitted that on the basis of the complaint received by the management of Nakrakonda Colliery on 31.05.1994 and two other complaints thereafter, alleging that the workman Gouri Nath Banerjee by using false and fabricated documents like LPC, Transfer order, Joining Order had joined Nakrakonda Colliery as a transferred employee. The allegation in the complaints were verified by the management and the Personnel Manager of Ajoy-II Colliery confirmed that the documents were not issued by them. Charge Sheet was accordingly issued against the workman for committing fraud for the purpose of joining as a Fitter Helper at Nakrakonda Colliery. The First Charge Sheet was set aside by the Hon'ble High Court at Calcutta in a writ petition filed by the workman and a fresh Charge Sheet was issued bearing No. NKR/PER/94-95/1904 dated 01.10.1994 and suspended from service. The reply submitted by the workman was not found satisfactory and a Domestic Enquiry was held by Senior Personnel Officer of Jhanjra Area. Workman participated in the Enquiry Proceeding. On completion of the enquiry the workman was found guilty of the charge and was dismissed from service by a order issued by the Chief General Manager of Bankola Area vide letter dated 23.01.1996 (Exhibit W-33). It is urged that the dismissal of the workman is proper and there is no necessity for interfering with the order of dismissal.

6. An Industrial Dispute has been raised by the aggrieved workman. Initially only documentary evidence was produced by the parties and no effective evidence was adduced. On the basis of available materials and evidence an Award was passed by this Tribunal on 10.03.2010, where the action of the management of Nakrakonda Colliery of ECL dismissing the workman Gouri Nath Banerjee w.e.f. 23.01.1996 was not found legal and justified. A direction was given for reinstatement of the workman in his service from the date of his dismissal along with back wages and all consequential benefits due to him as if he was in service since then. An order was made for disbursement of the dues within two months from the date of Notification of the Award.

7. The management of ECL being aggrieved with the Award, preferred a Writ Petition bearing No. 15750(W) of 2010 before the Single Bench of the Hon'ble High Court at Calcutta. Learned Judge of the Single Bench upheld the decision of the Central Government Industrial Tribunal -cum- Labour Court and also allowed a cost of Rs. 50,000/- (Rupees fifty thousand only) to the workman in addition to his entitlement in the impugned order.

8. The aggrieved employer preferred a Mandamus Appeal bearing MAT No. 1375 of 2018. Learned counsel for the appellant contended before the Hon'ble High Court at Calcutta that the Industrial Tribunal passed the Award without giving opportunity to the management of ECL to prove the charge by leading evidence before the Tribunal. It was further contended that the Tribunal was required to decide the validity of the Enquiry as a preliminary issue and if Tribunal held that the charges against the respondent no. 1 could not be established in the Domestic Enquiry, opportunity should be given to the management of ECL to prove the charges by leading evidence. Learned counsel placed his reliance upon the decision of the Hon'ble Supreme Court of India in the cases of **Delhi Cloth and General Mills Co. vs Ludh Budh Singh [(1972) 1 SCC 595]** and **Shankar Chakravarti vs Britannia Biscuit Company and another [AIR (1979) SC 1652]**. The Hon'ble Division Bench of the High Court allowed the appeal by holding that :

".....that the finding of the tribunal insofar as the validity of the domestic enquiry is concerned calls for no interference as the same was based on materials available in the records and the learned single judge was justified in not interfering with such finding."

The Hon'ble High Court granted ECL the opportunity to prove the misconduct by adducing evidence in the case. The appeal was allowed and the order dated 27.08.2018 passed by the learned Single Judge in W.P. No. 15750(W) of 2010 as well as the last part of the Award dated 10.03.2010 passed by the Tribunal in Reference No. 15 of 1998, directing reinstatement with consequential and monetary benefits were also set aside. On remitting the matter this Tribunal has been directed to decide the Reference case no. 15 of 1998 afresh from the stage of decision on the preliminary issue in accordance with law and in the light of the observations made in the decision after giving an opportunity to the employer to cite additional evidence as well as to the respondent no. 1 to lead contrary evidence. This Tribunal has been further directed to take a decision on the dispute referred to it for adjudication on the basis of the evidence adduced by the parties in terms of the order and without being influenced by the fact that the Award has been set aside directing reinstatement with consequential and monetary benefits. The entire exercise was required to be completed within a period of six months from communication of the order. The order of the Hon'ble High Court passed by the Division Bench was communicated to this Tribunal on 12.07.2022, when the Tribunal was lying vacant.

9. Opportunity was given to the management to adduce evidence in support of their case and Mr. Anuj Lakra

was examined on 21.09.2022 and 16.12.2022 as Management witness – 1. He filed his affidavit-in-chief and produced some documents as follows :

- (i) Photocopy of the letter dated 04/05.07.1994 issued by the Dy. Personnel Manager, Girmint Colliery addressed to the Agent of Girmint (R) Colliery informing that Gouri Nath Banerjee was not in the roll of Ajoy-II Colliery (document is marked as Exhibit M-1).
- (ii) Photocopy of the purported LPC dated 09.04.1984 on the basis of which Gouri Nath Banerjee joined Nakrakonda Colliery (document is marked as Exhibit M-2).
- (iii) Photocopy of the letter issued by the General Manager (Personnel), Head Quarters, ECL dated 08.02.1995 addressed to the Personnel Manager of Jhanjra Area informing that no letter bearing No. ECL/CMD/C-6B(R)/84/1129 dated 17.02.1984 regarding transfer of Gouri Nath Banerjee has been issued from the HQ, ECL (document is marked as Exhibit M-3).
- (iv) Photocopy of the letter issued by the Regional Commissioner- I (SG), CMPF dated 03.12.2018 addressed to General Manager of Bankola Area informing that Gouri Nath Banerjee was allotted with different Provident Fund number at Ajoy-II Colliery (document is marked as Exhibit M-4).
- (v) Photocopy of the Members' Account Ledger of CMPF (document is marked as Exhibit M-5).

10. The witness was cross-examined on behalf of the workman. In paragraph – (10) of his affidavit-in-chief the MW-1 stated that the Regional Commissioner- I (SG) has confirmed that BKR/4/348 is the CMPF account number of Gouri Nath Banerjee but his Form-H is not available at CMPF Office. In course of cross-examination the Management Witness deposed that Gouri Nath Banerjee worked at Nakrakonda Colliery from 1984 to 1994, till his dismissal. It transpires from the evidence of MW-1 that an anonymous complaint was made against the workman in the year 1994 and not through any official authority. On 16.12.2022 the witness in his further cross-examination deposed that Gouri Nath Banerjee was never appointed under the company and no transfer order could be found at Nakrakonda Colliery. He could not state if Gouri Nath Banerjee himself produced any Transfer order from Ajoy-II colliery. Furthermore, no verification of such Transfer Order was done by the management to find out if it was genuine or not. MW-1 deposed that no Service Book of Gouri Nath Banerjee was transmitted to Nakrakonda colliery on his purported transfer and his Service Book was prepared for the first time at Nakrakonda Colliery. It is noteworthy that even at this stage the management witness did not produce the Service Book of Gouri Nath Banerjee from Nakrakonda Colliery to prove on what basis it was prepared. Witness deposed that he could not state on what basis the entries were made at Nakrakonda Colliery. The witness in cross-examination disclosed that the normal rule is that when a person is transferred from one Area to another Area, a Transfer Order is issued and copy of the same is communicated to the Area which he is supposed to join. In a normal case Transfer Order should reach Bankola Area where Nakrakonda Colliery is situated. At the time of joining no such query was made from the Colliery to the Area Office. MW-1 identified a letter dated 05.08.1994 produced by the workman as Exhibit W-21, issued by the Dy. CME/Agent, Nakrakonda Colliery requesting the Dy. CPM, Bankola Area to verify whether Gouri Nath Banerjee was transferred from Ajoy-II Colliery under Sripur Area to Nakrakonda Colliery under Bankola Area, and to send the connected papers regarding such transfer for necessary action. The witness deposed that the Dy. CPM, Bankola Area in his reply dated 25/26.08.1994 (Exhibit W-22) informed that the Transfer record of Gouri Nath Banerjee was not traceable in their office which was confirmed by the dealing clerk of the office. The witness could not state the date of joining of the delinquent at Nakrakonda Colliery. He admitted that he has not verified the Last Pay Certificate and the Transfer Order of Gouri Nath Banerjee, nor could he disclose the name of the person who permitted Gouri Nath Banerjee to work at Nakrakonda Colliery on the basis of the purported Transfer Order. It is gathered from the cross-examination of the management witness that no complaint was made before the Police against Gouri Nath Banerjee after revelation of the alleged fraudulent act of joining service of ECL on the basis of forged documents. The witness deposed that the matter was referred to the Vigilance Cell of ECL. However, the Vigilance Report has not been placed before the Tribunal nor any Transfer Order or LPC. The witness admitted that in the ledger maintained by the CMPF the date of appointment of Gouri Nath Banerjee at Ajoy-II Colliery appears as 22.03.1982 and the copy of the same has been marked as Exhibit M-5. The witness admitted that according to the letter of the Regional Commissioner- I (SG) dated 03.12.2018 (Exhibit M-4), as per Allotment Register of Ajoy-II Colliery (BKR/4) CMPF account no. BKR/4/348 was allotted to Gouri Nath Banerjee, son of Radhanath Banerjee. So far as LPC is concerned the witness deposed that the same bears the signature of the issuing authority of Ajoy-II Colliery (Exhibit M-2). The management witness deposed that when a person comes on transfer from any other colliery, general practice is that LPC and Transfer Order are checked and verified at the place of his transfer before release of its salary and he admitted that CMPF account number appeared in the purported LPC (Exhibit M-2) produced by the management is not the CMPF account of Gouri Nath Banerjee.

11. Opportunity was granted to the workman to lead contrary evidence. On earlier occasion the workman had produced some documents as follows:

- (i) Photocopy of the Chargesheet NKR/PER/94-95/1184 dated 15.07.1994, identified as Ext-W1.
- (ii) Photocopy of the written reply by the workman to the Dy. CME/Agent of Nakrakonda Colliery dated 22.07.1994, identified as Ext-W2.

- (iii) Photocopy of the Chargesheet NKR/PER/94-95/1904 dated 01.10.1994, identified as Ext-W 3.
- (iv) Photocopy of the written reply by the workman to the Agent of Nakrakonda Colliery dated 04.10.1994, identified as Ext-W 4.
- (v) Photocopy of the written reply of the workman to the Enquiry Officer dated 04.10.1994, identified as Ext-W 5.
- (vi) Photocopy of the Dismissal Order dated 23.01.1996, identified as Ext-W6.
- (vii) Photocopy of the Appel against the Dismissal Order dated 02.02.1996, identified as Ext-W7.
- (viii) Photocopy of the letter of the Agent, Nakrakonda Colliery issued to the Agent of Ajoy-II Colliery dated 07.06.1994, identified as Ext-W8.
- (ix) Photocopy of the letter of Dy. Personnel Manager, Girmint Colliery issued to the Agent Girmint (R) Colliery dated 04/05.07.1994, identified as Ext-W9.
- (x) Photocopy of the letter by the General Manager (Personnel) issued to the Personnel Manager, Jhanjra Area dated 08.02.1995, identified as Ext-W10.
- (xi) Photocopy of the LPC /Service Particulars of Gouri Nath Banerjee, identified as Ext-W11.
- (xii) Photocopy of the letter of the Manager, Ajoy-II Colliery issued to the Project Officer, Nakrakonda Colliery dated 11.04.1984, identified as Ext-W12.
- (xiii) Photocopy of the Office Order dated 29.02.1984/01.03.1984, identified as Ext-W13.
- (xiv) Photocopy of the Identity Card, identified as Ext-W14.
- (xv) Photocopy of the letter of Dy. CME/Agent, Nakrakonda Colliery issued to the Dy. CPM, Bankola Area dated 05.08.1994, identified as Ext-W15.
- (xvi) Photocopy of the letter of Dy. CPM, Bankola Area issued to the Dy. CME/Agent, Nakrakonda Colliery dated 25/26.08.1994, identified as Ext-W16.
- (xvii) Photocopy of the Pay Sheet of CMPF Account of Gouri Nath Banerjee, identified as Ext-W17.
- (xviii) Photocopy of the Transfer Certificate of Gouri Nath Banerjee, identified as Ext-W18.
- (xix) Photocopy of the Gram Panchayat Certificate dated 26.07.1994, identified as Ext-19
- (xx) Photocopy of the Court's Order dated 09.09.1994, identified as Ext-W20.

12. An affidavit-in-chief has been filed by Gouri Nath Banerjee on 21.02.2023 and he was cross-examined at length on behalf of the management of ECL. Further documents produced by the workman are as follows:

- (xxi) Photocopy of the letter of the Dy. CME/Agent, Nakrakonda Colliery addressed to the Dy. CPM, Bankola Area dated 05.08.1994, marked as Exhibit W-21 (same as Ext-W15).
- (xxii) Photocopy of the reply of the Dy. CPM, Bankola Area to the Dy. CME/Agent, Nakrakonda Colliery dated 25/26.08.1994, marked as Exhibit W-22 (same as Ext-W16).
- (xxiii) Photocopy of the Office Order dated 29.02.1984 / 01.03.1984, marked as Exhibit W-23.
- (xxiv) Photocopy of the Identity Card of Gouri Nath Banerjee, marked as Exhibit W-24 (same as Ext-W14).
- (xxv) Photocopy of the Pay Slip of Gouri Nath Banerjee issued from Nakrakonda Colliery, marked as Exhibit W-25.
- (xxvi) Photocopy of the Office Order dated 07/09.03.1989, marked as Exhibit W-26.
- (xxvii) Photocopy of the Office Order dated 16/24.01.1994, marked as Exhibit W-27.
- (xxviii) Photocopy of the CMPF Pass Book bearing name and account number of the employee, marked as Exhibit W-28.
- (xxix) Photocopy of the General Diary dated 27.07.1994 lodged at Barjora Police Station, marked as Exhibit W-29.
- (xxx) Photocopy of the First Charge Sheet dated 15.07.1994, marked as Exhibit W-30 (same as Ext-W1).
- (xxxi) Photocopy of the Second Charge Sheet dated 01.10.1994, marked as Exhibit W-31 (same as Ext-W3).
- (xxxii) Photocopy of the Enquiry Report dated 11.12.1995, marked as Exhibit W-32.
- (xxxiii) Photocopy of the letter dated 23.01.1996 communicating dismissal of Gouri Nath Banerjee, marked as Exhibit W-33.

13. Mr. Pradip Kumar Goswami, learned advocate for the charged employee argued that Gouri Nath Banerjee was a permanent employee of ECL and initially joined at Ajoy-II Colliery under Sripur Area on 22.03.1982 and was allotted a CMPF Account No. BKR/4/348. He was subsequently transferred to Bankola Area on the basis of Office Order dated 29.02.1984/01.03.1984 and on 02.03.1984 he was posted as a Fiter Helper at Nakrakonda Colliery. At that time of transfer he was asked to deposit his Identity Card of Ajoy-II Colliery to get a New Identity Card at Nakrakonda Colliery. During his posting at Nakrakonda Colliery the workman was granted two promotions to upper grade on 07.03.1989 and 16/24.01.1994. During his service at Ajoy-II Colliery he received his Service Record Excerpt, which he lost for which a General Diary bearing No. 748 dated 27.07.1994 (Exhibit W-29) was lodged at Barjora Police Station. Learned advocate argued that the management has not produced the anonymous complaint, on the basis of which this vicious proceeding was initiated against the petitioner workman. The Vigilance Report after the enquiry has not been produced to establish that there was any misconduct on the part of the workman. Learned advocate of the charged employee urged that at the time of transfer of any workman from one office to another office of employer's establishment, an order of transfer, a Last Pay Certificate and an order of release were issued and the same were communicated to the place of transfer officially. At the time of joining the place of transfer, the transferee office verifies all such documents and thereafter permits the workman to join. Admittedly Gouri Nath Banerjee joined Nakrakonda Colliery and in course of his ten (10) years in service, until his suspension he was promoted on two occasions. It is emphatically argued that the documents filed by the management (Exhibit M-4 and M-5) would reveal that the office of the Regional Commissioner- I (SG), CMPF in their letter dated 03.12.2018 informed the General Manager, Bankola Area that as per report received from custodian official and the Allotment Register of Ajoy-II Colliery (BKR/4), Gouri Nath Banerjee, son of Radhanath Banerjee was allotted CMPF Account No. BKR/4/348. Both these documents have been filed by the management which reveal that according to the Allotment Register of Ajoy-II Colliery, Gouri Nath Banerjee was a beneficiary of CMPF with Account No. BKR/4/348 and Allotment Register reveals that his date of joining was 22.03.1982. Mr. Goswami argued that the documents filed by the management supports the case of the workman that he was in the service of the company since his appointment at Ajoy-II Colliery and the Management witness miserably failed to discharge their onus of proving the charge by leading evidence. It is urged that the order of dismissal of Gouri Nath Banerjee from service is illegal and arbitrary, the same is required to be set aside and considering the fact that the employee has already attained his age of superannuation and there is no scope for his reinstatement, the management should pay the back wages and all consequential benefits.

14. In reply Mr. P. K. Das, learned advocate for the management of ECL argued that the charged employee participated in the Domestic Enquiry held against him but he could not prove that he was appointed at Ajoy-II Colliery at any point of time or that he was transferred to Nakrakonda Colliery by any order of the management. It is contended that the charge of misconduct through fraud has been well established against the delinquent and the order of dismissal passed against him is appropriate, just and proper and does not require any interference.

15. In the earlier Award of the Tribunal dated 10.03.2010 it was held that action of Nakrakonda Colliery in dismissing the workman Gouri Nath Banerjee w.e.f. 23.01.1996 was not legal and justified. The Hon'ble Division bench of the High Court at Calcutta in MAT NO. 1375 of 2018 held that the finding of the Tribunal in so far as the validity of the domestic enquiry is concerned should be tread to be a finding on the preliminary issue and it has been made clear that such findings is not to be interfered with by this court. However, as the Tribunal did not afford any opportunity to ECL to prove the charges on merit by adducing evidence in spite of a specific prayer made in the pleadings, the Hon'ble Court was of the considered view that the part of the Award dated 10.03.2010 declaring the dismissal to be illegal and unjustified and the consequential direction for reinstatement in service with back wages and all consequential benefits and monetary benefits are required to be set aside and thereby allowed the appeal.

16. On a conspectus of evidence adduced by the Management witness (MW-1), it appears that he is not acquainted with the fact of the case. In cross-examination he admitted that management could not find any Transfer order of Gouri Nath Banerjee at Nakrakonda Colliery and he could not state, if any such Transfer order was issued by Ajoy-II Colliery. The Witness further deposed that no verification of such Transfer order was done by the management to find out if it was genuine or not. It is undisputed that Gouri Nath Banerjee worked at Nakrakonda Colliery from 1984 to 1994, till his dismissal. It is abundantly clear from the admission of MW-1 that the Transfer order and the LPC which are the vital documents on the basis of which the delinquent joined Nakrakonda Colliery have not produced by ECL, the custodian of records and no verification of such documents were made to ascertain whether they were fake or genuine. Furthermore, a letter issued by Dy. Chief Personnel Manager of Bankola Area to the Dy. CME/Agent, Nakrakonda Colliery dated 25/26.08.1994 (Exhibit W-22), reveals that the Transfer file of Gouri Nath Banerjee was not traceable in his office. Therefore, the management has not been able to prove that the documents related to transfer of Gouri Nath Banerjee are fake. On a close examination of the contents of the letter dated 04/05.07.1994 (Exhibit M-1) issued by the Dy. Personnel Manager, Girmint (R) Colliery, it appears that after enquiry it was communicated that *"there is no such person by name of Sri Gourinath Banerjee working at Ajoy-II Colliery. Also, no such name is available in B.Form register."* The management of ECL thereafter produced Exhibit M-4, a letter dated 03.12.2018, issued by the Regional Commissioner-I (SG), CMPF, which demolishes the management's own case that Gouri Nath Banerjee did not work at Ajoy-II Colliery. It transpires from the communication made to the General Manager, Bankola Area that as per the Allotment Register of Ajoy-II Colliery Sri

Gouri Nath Banerjee, S/o- Radhanath Banerjee was allotted CMPF Account No. BKR/4/348. There is nothing to disbelieve Exhibit M-4 and Exhibit M-5, which originate from an independent source, the Coal Mines Provident Fund authority, over which the charged employee has no control or influence. The unescapable conclusion therefore is that the employer failed to discharge their onus of proving the charge of misconduct by fraud against Gouri Nath Banerjee under Clause 17(i)(a), 17(i)(o), and 17(i)(u) of the Model Standing Order applicable to the management.

17. Admittedly the charged employee was a permanent employee at Nakrakonda Colliery from 1984 till his order of suspension on 01.10.1994. From Exhibit W-26 it appears that by Order dated 07/09.03.1989 the workman was promoted from the post of Fitter Helper at Nakrakonda Colliery to the post of Fitter in Category-IV. After five (5) years he was again promoted from the post of Fitter in Category-IV to the post of Fitter in Category-V by order dated 16/24.01.1994 (Exhibit W-27). No objection was raised by the management at the time of admitting the documents in evidence nor any suitable explanation has been provided as to how after verification of all records such promotions could have been granted to such employee if his entry in the service is illegal and based on fabricated documents. The management has produced a copy of letter from the Regional Commissioner- I (SG), CMPF dated 03.12.2018 (Exhibit M-4) wherein it is stated that the CMPF account number of Gouri Nath Banerjee is BKR/4/348 as per Allotment Register of Ajoy-II Colliery. In the relevant page of Allotment Register of Ajoy-II Colliery the date of appointment of Gouri Nath Banerjee was recorded as 22.03.1982. The management of the company by producing the document has accepted the fact that on the basis of Allotment Register of Ajoy-II Colliery CMPF account number was allotted to the charged employee. The management of ECL could not explain how the name of the charged workman appeared in the Allotment Register of Ajoy-II Colliery.

18. In the instant case Gouri Nath Banerjee failed to produce any document in his favour or in support of his claim that he was initially appointed at Ajoy-II Colliery under Sripur Area. It is strange to find that only after issuance of the Charge Sheet against him on 15.07.1994 (Exhibit W-30) to the effect that he never worked at Ajoy-II Colliery at any point of time and fraudulently fabricated or caused to be fabricated some documents and papers, to show that he has been transferred from Ajoy-II Colliery, the workman lodged a General Diary bearing No. 748 dated 27.07.1994 at Barjora Police Station claiming that on 25.07.1994 while he was proceeding from his house for his duty at the Colliery all his Service Records, LPC and other documents of Ajoy-II Colliery got lost in a bus. Apparently, to escape the onus of discharging his burden of proof, the charged employee took a plea that his documents were lost. It is natural and prudent that after such a charge levelled against him, he would carefully maintain custody of his documents which would help to support his claim of service. In the present case the delinquent has endeavored to justify non-production of documents by lodging a General Diary with Police that his documents were lost in a bus.

19. The other part of the story is that the management of Nakrakonda Colliery of ECL miserably failed to discharge their burden of proof by not producing the Transfer file containing the order of transfer, LPC and release order of the workman. The purported LPC issued to Gouri Nath Banerjee has been produced as Exhibit M-2. No document has been produced to show as to what steps the management have taken to identify the person who issued the documents and specifically those who acted upon it by allowing Gouri Nath Banerjee to join at Nakrakonda Colliery and paid wages on the basis of such LPC. The CMPF account number of the charged employee which appears from Exhibit M-4 is the only reliable document which establishes the relationship of Gouri Nath Banerjee with Ajoy-II Colliery as the CMPF account number was allotted on the basis of the Allotment Register forwarded by Ajoy-II Colliery to the Office of the Regional Commissioner- I (SG), CMPF, Region-I.

20. From the aforesaid facts and circumstances I hold that amidst non-availability of several important missing links and material relating to appointment of Gouri Nath Banerjee at Ajoy-II Colliery under Sripur Area, the transfer order, LPC, and release order by which he joined at Nakrakonda Colliery under Bankola Area, the only sustainable evidence which surfaced in favour of the charged employee is his CMPF Account Ledger bearing his CMPF account number, issued on the basis of the Allotment Register of Ajoy-II Colliery (Exhibit M-5). Weighing the evidence on record, the balance tilts in favour of the workman who has admittedly served the company for ten years at Nakrakonda Colliery, where he was granted two promotions and also has a CMPF account. The evidence adduced on behalf of the management could not dislodge the material in support of the workman. The denial of the management simpliciter that the workman never worked at Ajoy-II Colliery does not help them to establish the charge. Accordingly, I hold that the charge levelled against the workman in Charge Sheets dated 01.10.1994 could not be established against him. The Enquiry Report and Second Show Cause Notice were not served upon the workman in compliance with the principle laid down in the decision of the Hon'ble Supreme Court of India in the case of **Union of India and Others vs Mohd. Ramzan Khan [AIR (1991) SC 471]** and the Circular of Coal India Ltd. bearing No. CIL C-5A(VI)/50774/28 dated 12.05.1994. The order of dismissal dated 23.01.1996 (Exhibit W-33) passed by the Chief General Manager of Bankola Area against Gouri Nath Banerjee is not sustainable under the law and the same is set aside.

21. The workman having superannuated from service during pendency of the Reference case, it is found appropriate to direct the management of Nakrakonda Colliery of ECL that Gouri Nath Banerjee be treated to be in service from the date of his dismissal i.e. 23.01.1996. He shall be entitled to his back wages along with consequential benefits. The management of the company shall disburse his dues within six (6) months from the date of Notification.

Hence,

ORDERED

that the Industrial Dispute is decided in favour of the workman against the management on contest. The dismissal of Gouri Nath Banerjee from his service by order dated 23.01.1996 is set aside. He shall be treated to be in service w.e.f. the date of his dismissal till the date of his normal superannuation. He shall be entitled to his back wages for the said period along with consequential benefits. The management of the company shall disburse his dues within six (6) months from the date of Notification. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 34/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/169/2012-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 29th January, 2024

S.O. 171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 34/2012**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-22012/169/2012– IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 34 OF 2012

PARTIES: Paresh Bouri
Vs.
Management of Begunia Project of BCCL

REPRESENTATIVES:

For the Union/Workman: Mr. S. K. Singh, Area Secretary, Janta Mazdoor Sangh.
For the Management of BCCL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 03.11.2023

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/169/2012-IR(CM-II)** dated 12.09.2012 has been pleased to refer the following dispute between the employer, that is the Management of Begunia Project under Chanch Victoria Area – XII of Bharat Coking Coal Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Begunia Project of M/s B.C.C.Ltd to dismiss from service to Sri Paresh Bouri on ground of only absenteeism is fair and justified? To what relief the management can provide to him? ”

1. On receiving Order **No. L-22012/169/2012-IR(CM-II)** dated 12.09.2012 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 34 of 2012** was registered on

25.09.2012 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate for the management of Bharat Coking Coal Limited is present. For the ends of justice, the case is fixed up today for evidence of workman witness, Paresh Bouri. On repeated calls at 12.05 pm none appeared for Paresh Bouri. Union representative has not taken any step. On previous occasion i.e. 07.06.2023 workman had appeared after Notice but he is found absent today without steps.

3. I find that the dismissed workman is disinclined to pursue the case and is unable to adduce evidence even after a passage of eleven years. The Industrial Dispute is accordingly disposed of in the form of a **No Dispute Award**.

Hence,

ORDERED

that a **No Dispute Award** be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या **01/2014**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **11/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/140/2013-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 29th January, 2024

S.O. 172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.ID.No. 01/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-22012/140/2013– IR (CM-II)]

MANIKANDAN N., Dy Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 01 OF 2014

PARTIES: Late Mangla Majhi
(Represented by the legal heirs, Smt. Kisku Buri and 3 others).

Vs.

Management of Ghusick Unit of Kalipahari (R) Colliery of ECL.

REPRESENTATIVES:

For the Union/Workman: Mr. S. K. Pandey, Union representative.
For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 06.11.2023

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/140/2013-IR(CM-II)** dated 09.12.2013 has been pleased to refer the following dispute between the employer, that is the Management of Ghusick Unit of Kalipahari (R) Colliery under Sripur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management not to pay the back wages to workman Shri Mangal Majhi, Surface Trammer from 8.9.1997 to 26.9.2010 for forced idle period, while Management has re-instated him in service without paying back wages is fair and justified, if not so what relief Management can provide to him? ”

1. On receiving Order **No. L-22012/140/2013-IR(CM-II)** dated 09.12.2013 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 01 of 2014** was registered on 14.02.2014 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate for the management of Kalipahari (R) Colliery of Eastern Coalfields Limited is present.
3. The Industrial Dispute has been raised by Mangla Majhi, Surface Trammer for his back wages during forced idle period from 08.09.1997 to 26.09.2010. During pendency of the Industrial Dispute Mangla Majhi expired and his legal heirs were substituted in this case on the basis of a petition filed on 17.05.2017. Smt. Kisku Buri, wife of Late Mangla Majhi filed an affidavit-in-chief through her advocate but did not turn up to face cross-examination. Due to non-appearance of the legal heirs on several consecutive dates Notice under registered post was issued to all the legal heirs in compliance with order dated 06.06.2023, directing them to appear before the Tribunal today. The Notice under registered post have not been returned. It is presumed that the same have been served upon the addressees. On repeated calls at 12.40 pm none appeared for the legal heirs of the deceased workman. Till date no evidence has been adduced.
4. Mr. S. K. Pandey, General Secretary of Colliery Mazdoor Congress appeared on behalf of the workman. He filed written statement on behalf of the workman on 16.06.2015. On 11.07.2017 a substitution petition filed by the legal heirs of Late Mangla Majhi was allowed. On 12.09.2018 Mr. G. P. Mal, learned advocate appeared on behalf of the legal representatives. The management is represented by Mr. P. K. Das, learned advocate who filed written statement on 07.09.2015.
5. Several opportunities have been provided to the workman to contest the case and adduce evidence. It appears from the record that after Notice the legal heirs have not turned up. Under such circumstances the case pending for ten years is dismissed for default. Let a **No Dispute Award** be drawn up.

Hence,

ORDERED

that a **No Dispute Award** be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल उड्डयन कंपनी ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक न्यायाधिकरण, पटना के पंचाट (सन्दर्भ केस नंबर 11© का 2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/01/2024 को प्राप्त हुआ था।

[सं. एल-11012/38/2009-आई.आर. (सी.एम-1)]

मणिकंदन एन., उप निदेशक

New Delhi, the 29th January, 2024

S.O. 173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.Case.No. 11© of 2009**) of the **Industrial Tribunal, PATNA**

as shown in the Annexure, in the industrial dispute between the Management of **National Aviation Co. of India Ltd.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-11012/38/2009– IR (CM-I)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICE INDUSTRIAL TRIBUNAL, PATNA.

Reference Case No.-11 (C) of 2009

Between the management of (1) The General Manager (Commercial) Eastern Region, National Aviation Co. of India Ltd, Airlines House, 39- Chitranjan Avenue, Kolkata (W.B) (2) National Aviation Company of India Ltd., (The Indian Airlines Ltd.) South Maidan, Patna (Bihar) and Their workman Sri Mandeo Rai, S/O- Late Surajdeo Rai, At parivahan Bhawan, PS- Kotwali, PO- GPO, Patna (Bihar)

For the management:- Sri R.N. Majumdar, Advocate
no.-(1) & (ii) Sri Anil Kumar Sinha, Advocate.
For the workman:- Sri Arun Kumar, Advocate
Sri Sarvan Kumar, Advocate
Sri Satyendra Kumar, Advocate.

Present:- Manoj Shankar
Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated- 26th July, 2023

By the adjudication order no.- L-11012/38/2009-IR(CM-I) New Delhi, dated- 14.12.2009 the Govt. of India Ministry of Labour New Delhi has referred under clause (d) of sub-section-(1) of section 10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as “ the Act”) the following dispute between the management of (1) The General Manager (Commercial) Eastern Region, National Aviation Co. of India Ltd, Airlines House, 39- Chitranjan Avenue, Kolkata (W.B) (2) National Aviation Company of India Ltd., (The Indian Airlines Ltd.) South Maidan, Patna (Bihar) and Their workman Sri Mandeo Rai, S/O- Late Surajdeo Rai, At parivahan Bhawan, PS- Kotwali, PO- GPO, Patna (Bihar) for adjudication to the Central Government Industrial tribunal – cum- Labour Court No-1 Dhanbad-1.

SCHEDULE

(i)“Whether the action of the management of National Aviation Company of India Limited (erstwhile Indian Airlines Limited) in removing Shri Mandeo Rai, Cabin Crew from the services w.e.f. 27.04.2005 is justified and legal? (ii) To what relief is the workmen concerned entitled?”

2. It is pertinent to not here that this reference by the order of the Hon’ble Patna High Court was directed to refer before this tribunal but inadvertently while referring the disputes to this tribunal the Ministry of Labour issued the vide reference notification no.- L-11012/38/2009-IR(CM-I) New Delhi, dt- 14.12.2009 stating therein Central Government Industrial tribunal – cum- Labour Court No-1 Dhanbad-1 however the reference was sent to this tribunal as per the order of the Hon’ble High Court. Upon detection of this facts this tribunal sent letter to the Regional Labour Commissioner (C) Maurya Lok Complex, Block-A, 2nd Floor, Room No.- 6,16,& 17 vide its letter dt- 28.11.2022 for issuance the corrigendum accordingly Ministry of Labour and Employment / Shram Mantralaya, Govt. of India, Bharat Sarkar, New Delhi, dt- 13.01.2023sent a corrigendum in the light of aforesaid direction of the Hon’ble Court, that is:-

“Reference is invited to this Ministry’s order dt- 14.12.2009 issued by this ministry vide file no.- L-11012/38/2009-IR (CM-1) for adjudication of Industrial dispute between the management of National Aviation Company of India Ltd. and the workman Shri Mandeo Rai, Cabin Crew.

In this regard, the 3rd line of para 3 of order dt-14.12.2009, the words “ Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1 Dhanbad-1” shall be read as follows: “ The Industrial Tribunal-cum-Labour Court, Patna Bihar.” And in 5th para of the said order, the words “ Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1” shall be read as follows: Industrial Tribunal-cum-Labour Court, Niyojan Bhawan, 6th Floor, B-block, Near Income Tax Golamber, Baily Road, Patna.

3. As per the statement of claim of the workman, the case of the workman is that the workman (Mandeo Rai) was initially appointed as Helper (C) in the year 1987 and he was assigned employment no.- 459593 in the Indian Airlines

Limited, Patna. He was posted at Patna and prior to impugned removal order, he was working on the post of senior helper (C). It is further asserted that on 31.10.2002 while attending his duties the workman was misbehaved and abused by Mr. Sujit Kumar Roy and Mr. Shekhar Das, the traffic superintends. On this episode, the workman made complaint to the station manager as well as to the Airport Manager on 31.10.2002 itself. It is further asserted that on the same date vide reference no.- PAT/118-9-501 dt-31.10.2002 the workman was put under suspension prior to any show cause dated 19.02.2003. It is further asserted that workman filed representation with a request to revoke suspension but went invain. It is further asserted that he received a memo of charges vide reference no.-344 dt-17.02.2002. The applicant (workman) filed detailed reply on 02.03.2003 denying the allegation and pointing out discrepancies between the memo of charges and the order of suspension. It is further asserted that the workman filed CWJC No.- 3373 of 2004 against the order of suspension and also for a direction to pay him 75% to 95% subsistence allowance but even after the order passed by the G.M (Commercial), (Indian Airlines Ltd.) vide letter no.-2734 dt-26.05.2003 recommended to the F.M (Finance) Kolkata for payment of subsistence allowance from the period 29.01.2003 to a tune of 3/4th of the basic wages, dearness allowance and other compensatory allowance but inspite of that applicant was paid only 50% of the basic wages as subsistence allowances. It is further asserted that vide reference no.- 394 dt- 26.10.2004 / 01.11.2004 2nd show cause notice was issued by the G.M (Commercial) against the order proposed punishment of immediate removal from the service of the company, accordingly workman filed his reply to the 2nd show cause on 30.11.2004. In the mean time his writ application was disposed of by the Hon'ble High Court, Patna on 11.04.2005 with a direction to conclude the departmental proceeding within the period of six weeks from the date of receipt / production of copy of the order. Finally disciplinary authority passed the order of removal from the services of the company on 27.04.2005 and it was directed that the workman would not be entitled to anything, except the subsistence allowance during the period of suspension. It is further asserted that the applicant (workman) filed an appeal before the Regional Director on 11.05.2005 but it was also rejected vide reference no.- 802 dt- 11.06.2005. It is further asserted that applicant again moved before the Hon'ble High Court vide CWJC No.- 7965 of 2005 in which the Hon'ble High Court passed an order on dt-11.07.2008 with direction to the applicant (workman) to move before the conciliation officer under the I.D. Act for seeking conciliation of the dispute with the employer and in the event of failure report from the conciliation officer, dispute be referred to the Industrial Tribunal at Patna. It is further asserted that the after appointment applicant performed and discharged his duties to the satisfaction of all concerned and there was no complaint against the applicant. It is further asserted that his complaint dt- 31.10.2002 against Mr. Sujit Kumar Roy and Shekhar Das was not considered rather in the collusion of the two Sujit Kumar Roy and Shekhar Das, authorities suspended the workman on 31.10.2002 without asking any show cause. It is further asserted that the applicant filed a complaint case against Mr. Sujit Kumar Roy (T.S)vide complaint case no.-2325 of 2002 and another complaint case no.- 2324 of 2002 against Sri R. Prasad, Station Manager, Indian Airlines, Patna in which the learned court took cognizance on 13.01.2003. It is further asserted that there is discrepancies between the order of suspension dt-31.10.2002 and memo of charges dt- 15/18.11.2002 it shows initially only allegation against then applicant was of assault misbehaviour and threatening Mr. Sujit Kumar Roy while the memo of charge sheet contained of new charges which demonstrate the malafide contention of the management side. It is further asserted that applicant was informed by the enquiry officer vide reference no.-129 dt- 20.03.2003 enquiry of charges will be held on 04.04.2003 at 13.30Hrs(1.30P.M) in the office of the Station Manager, Indian Airlines, Patna. On that day management side examined witness P.K. Sinha on 05.04.2003, management witness one Mr. Pramod Bhaiyan and thereafter on 05.06.2005 management examined Mr. R. Prasad but workman was not afforded any opportunity to cross-examine these witnesses and enquiry officer deliberately made and entry of proceeding book that the applicant did not wish to cross-examine, that could learn by the applicant only after obtaining the copies of proceeding. It is further asserted that applicant could not participated in the enquiry on 06.06.2003 and 12.06.2003 due to illness and this facts was communicated to the G.M (Commercial) Indian Airlines, Kalkatta vide letter dt-06.06.2003 and to the Station Manager, Indian Airlines, Patna dt-11.06.2003. The applicant has mentioned in his application dt-06.06.2003 that enquiry officer was almost holding the proceedings ex-parte and pressuring him to withdraw the complaint case filed against S.K.Roy and R. Prasad. It is further asserted that next date of enquiry fixed on 28.11.2003 but unfortunately the applicant again became ill on 17.11.2003 and got himself treated at the government hospital and the prescription was produced before the Station Manager on 17.11.2003 but inspite of prior information to the enquiry officer along with prescription of Govt. Doctor, the enquiry officer hold the enquiry ex-parte and recorded the statement of management witness Mr. S.K. Singh and B.S Patwal on 20.11.2003. It is further asserted that enquiry officer vide letter dt- 20.11.2003 informed the applicant ex-parte enquiry has been held on 18.11.2003 and 19.11.2003 and the date of further enquiry is on dt-02.12.2003. It is further asserted that on 22.11.2003 applicant was informed by the enquiry officer that date of enquiry was post-pond on 02.12.2003 due to indisposition of enquiry officer. It is further asserted that applicant filed writ petition before the Hon'ble High Court at this stage vide CWJC No.- 3373 of 2004 against order of suspension and for payment of 75% subsistence allowance as well as for the replacement of enquiry officer and to hold a fresh departmental proceeding but the departmental proceeding proceeded. It is further asserted that G.M (Commercial) vide letter no.- 4852 dt- 26.08.2004 forwarded the enquiry officer and commitment to the applicant and the applicant filed his reply on 12.09.2004 stating in the details and the manner of enquiry officer has he was deprived the principles of natural justice. It is further asserted that till date Indian Airlines has not taken confirmation from the concerned authority / tribunal under section-33-2(B) of the Industrial Dispute.It is further asserted that the case of the petitioner was not examined and appreciated in a proper manner by the enquiry officer and

there upon on the basis incorreced findings of the enquiry officer. The disciplinary authority passed a perverse order of dismissal. The impugned order are illegal, arbitrary and against the principles of natural justice. Accordingly the workman filed his statement of claim with a prayer to quash the order dt- 27.04.2005 whereby and wherein applicant / workman has been punished with the punishment from the removal from service of the company and further directed applicant could not been entitled for salary during the suspension period except subsistence allowance and also with prayer of quash the order dt-11.06.2005 passed by Regional Director (East)the applicant further seek relief for making direction to the management for payment of entire dues amounts as well as to reinstate to applicant /workman in service with all consequential benefits.

4. On the other hand the management side filed written statement on 28.07.2010 stating therein workman is not entitled to any relief whatever he stated in statement of claim, as the workmans claim is bad in law as well as on facts. It is further asserted that the workman Sri Mandeo Rai was suspended on 31.10.2002 vide letter no.- PAT/18-9/501 issued by then Station Manager, Patna of the employers company for charges of allegation of abusing and attempting to assault Sri Sujit Kumar Roy, Traffic Superintendent, while on duty at Patna Airport on 31.10.2002 and subsequently charge sheet was served upon the workman stating therein you were on duty on 31.10.2002 at Patna Airport and during lunch time you have misbehaved with the canteen contractor Airport Staff Canteen in front of other staff and customers. When the Shekhar Das, Traffic Superintendent intervened in the matter, you shouted at Shri Das and abused him with filthy language. Thereafter at around 2.05PM when Sujit Kumar Roy, Traffic Superintendent was proceeding to the tarmac to attend the flight IC-809 which was taxing in to park at the designated parking bay you went to him and started abusing him with filthy languages and in the process, picked up an iron rod and chased Sri Roy and tried to assault to him. Fortunately you were caught hold by one of the CISF Officials, this incident was witness other IAL officials, CISF personnel including AAI Airport Director, At around 5.00 P.M (1700 hours) you went to again Sri Roy and threatened him entire consequences. It is further asserted that therein you above act, if proved, will tantamount to breach of standing order I and misconduct within the meaning of standing order 16(11), 16(13), 16(35), 16(40) and 16(42) of the IAL standing. The management sent a letter along with charge to the workman with direction to furnish reply within seven days of receipt of this letter but the registered letter return back with endorsement of refused. Thereafter, G.M (Commercial) Kolkatta appointed an enquiry officer to enquire into the charges levelled against the workman in respect of charge sheet dt- 15/18th November,2002. Sri J.C. Suri the then Senior Manager, (Personnel) Northern Region, Delhi was appointed as a enquiry officer and G.P.Gupta, the then Assistant Manager(Rajbhasha) Kolkatta as Presenting Officer. It is further asserted that the enquiry officer vide notice dt- 27th March,2003 posted at enquiry to 4th April,2003 accordingly enquiry was held on 4th April,2003 and 5th April,2003 where the workman participated and availed the assistance of a "friend". The next date of enquiry was fixed for 20th March,2003 wrongly mentioned but the workman did not turn-up and did not give any information to the enquiry officer. Then the enquiry was adjourned and the next date was fixed on 5th June,2003. On that day workman participated in the enquiry thereafter workman did not turn-up on 06.06.2003 and 12th June,2003 due to self sickness. It is further asserted that due to the retirement of the enquiry officer of the services of the employment companyand the competent authority gave order to the enquiry to continue the enquiry proceeding. The next date of the enquiry was fixed on 30th October,2003 but the workman did not turn-up. It is further asserted that the enquiry was held ex-parte on 18.11.2003, 19.11.2003 and concluded on 11.03.2004 in which advance notice was given to the workman on each occasion after the enquiry. It is further asserted that the proceedings of the concluding of the enquiry was sent to the workman on 11th March,2004 for furnishing his submission by 26th March,2004 but the workman did not respond. It is further asserted that enquiry officer submitted his report to General Manager (Commercial) of the employer company Kolkatta. Then G.M (Commercial) forwarded a copy of the report of the enquiry officer to the workman advising him to furnish his comments on the findings of the enquiry officer. It is further asserted that on the demand of workman Hindi translation of the findings of the enquiry officer was made available to the workman and subsequently workman submitted his reply on 8th October,2004. It is further asserted that the workman submitted his reply dt-30th November,2004 to the show cause notice. The competent authority after perusing the reply of the workman concerned came to the conclusion that the charges proved against the workman concerned merited the punishment of removal from service. Accordingly competent authority General Manager (Commercial) Kolkatta passed order dt- 27th April,2005 removing the workman from the services of employee of the employers of the company with immediate effect along with a cheque of amount Rs. 12,152.00 (Rs. Twelve Thousand One Hundred Fifty Two) only being the wages for one month as required under clause)b) of Sub-section (2) of Section 33 of the Industrial Dispute Act, 1947 was sent to the workman. It is further asserted that the workman preferred an appeal against the order of punishment dt- 27th April,2005 before the Regional Director (East) but the Appellate Authority also confirmed the order of removal dt- 27th April, 2005 vide his dt- 11th June,2005. It is further asserted that the enquiry officer conducted a proper and valid enquiry in accordance with principles of natural justice. It is further asserted that the claim of the workman is totally false that management in collusion other concerned employees issued the suspension order as well as removal the workman from the service as alleged, rather the order of removal was passed after holding a proper departmental enquiry in which the workman was afforded reasonable opportunity to defend him. The management has further denied this facts Mr. Sujit Kumar Roy and Mr Shekhar misbehaved with the workman on 31th October, 2002. It is further asserted that subsistence allowance is paid to the workman in accordance with law. It is further asserted that the workman participated in the enquiry proceedings till 5th June, 2003 and thereafter he did not present before the

enquiry officer which prompted the enquiry officer to hold the enquiry ex-parte. The workman was given opportunity to present in the enquiry proceeding and enquiry was adjourned on 6th June, 2003, 12th June, 2003 and 30th October, 2003 and finally enquiry was held ex-parte when the workman was not present before the enquiry officer. Workman deliberately without any rhyme and reason did not participate in the later part of the enquiry proceeding and as such the enquiry was held ex-parte. It is further asserted that the impugned order as passed against the workman is legal, just, following the principles of natural justice. Accordingly workman is not entitled to any relief.

5. After filling the statement of claim by the workman and written statement filed by the management both sides were directed to file list of witness and documents to adjudicate the fairness and propriety of domestic enquiry. This records shows that even after knowing the proceeding of this case, management side became absent. Then this tribunal initiate the proceeding ex-parte vide order dt- 19.11.2010. Subsequently workman side filed affidavited examination-in-chief namely Mandeo Rai the workman himself, Ramchandra Ram and Naresh Kumar. Thereafter workman also filed as many 10 documents on 30.12.2010 marked as Exts. as follows:-

1. Ext.-W/1 to - Photo copy of Medicalprescription of Sri Mandeo RaiW/1-2.
2. Ext.-W/2- Photo copy of management complainant / witness.
3. Ext.-W/3- Photo copy of show cause, finding of the management dt- 27.04.2005 (Letter No.-418)
4. Ext.-W/4- Photo copy of reply dt- 02.03.2003 filed by the workman.
5. Ext.-W/5- Photo copy of complaint of workman.
6. Ext.-W/6- Photo copy of letter no.-2734 dt-26.05.2003 enhancement of subsistence allowance by the management.
7. Ext.-W/7-Photo copy of petition dt-06.06.2003 filed by the workman with request to changing the enquiry officer.
8. Ext.-W/8-Photo copy of application dt- 11.06.2003 filed by the workman with request to extension dated for enquiry.
9. Ext.-W/9-Photo copy of reply of management's letter no.-394 dt-26 / 01.11.2004 submitted by the workman.
10. Ext.-W/10-Photo copy of appeal filed by the workman to the Regional Director, Indian Airlines.

6. And the tribunal allowed the affidavited examination-in-chief of the three witnesses filed by the workman sides. The record show while the case was pending for argument stage. Management side again appeared before this tribunal on 09.05.2011 and filed a petition for recalling the order of ex-parte proceeding that was allowed by this tribunal on 16.09.2011 imposing a cost of Rs. 1500/- (Rs. One Thousand Five Hundred) Only upon the management side. Records shows management side produced one witness the enquiry officer Mr. J.C. Suri on 07.07.2015 and he was cross-examined and discharged on 22.09.2015 thereafter on the request of management evidence was closed. After hearing of both the sides on the preliminary issue of fairness of the propriety of the domestic enquiry. This tribunal passed the order on 28.04.2016 holding the entire enquiry done by the enquiry officer is not fair and proper and at the same time this tribunal gave direction the management has liberty to produce the documents and evidence in this tribunal for final adjudication of the matter which will be decided without any prejudiced.

F INDINGS

7. Case record shows that even after knowing order of dt-28.04.2016 management side always took adjournment but neither produced any documents, nor examined any witness as per the direction passed by this tribunal on 28.04.2016. Record shows that management side has filed a petition on 06.09.2018 mentioning their in simultaneously one matter is pending before the National Tribunal, Bombay, so proceeding of this case may kindly be stayed. On this application this tribunal heard both the sides and rejected the management petition dt- 06.09.2018 on 22.01.19 the management was again directed to produce the documents and evidence but from the very next date on 20.02.2019 management became absent. When management did not appear before this tribunal after knowing the order of dt-22.01.2019, the evidence of the management was got to be closed vide order dt- 24.06.2019 with direction to the workman side to adduce evidence. On 24.12.2019 workman side filed list of witness and affidavited examination-in-chief of Mandeo Rai of the workman and affidavited examination in chief of Ravi Nandan Paswan, Naresh Kumar Singh and Ram Pravesh Paswan with xerox of the certified copy of proceeding of complain case no.-2324 of 2002 and proceeding of complaint case no.- 2325 of 2002 filed against R. Prasad and Sujet Kumar Roy. In the mean time corona calamity broke out for which the work of this tribunal was paralyzed due to national lock down.

8. Even after passing the corona period management side did not appear before this tribunal. When this tribunal started functioning physically, that tribunal again issued registered notice to the management on 13.12.2021 but

management side did not turn-up and even the registered notice was not returned back to this tribunal i.e indication to this fact the notice is well received by the management

side but did not turn-up to adduce any evidence, then workman side was directed to adduce evidence if so wishes.

9. Then workman side examined workman Mandeo Rai has W.W-1 and he was discharged, as management side did not turn-up to cross-examine the witness Mandeo Rai. Record also shows that the workman Mandeo Rai has filed a petition before this tribunal, he had filed the affidavited examination-in-chief of his witnesses namely Ravi Nandan Rai Paswan, Naresh Kumar Singh and Ram Naresh Paswan on 24.12.2019. Out of them Ram Pravesh Paswan, Ravi Nandan Kumar left the Patna and they are traceless and witness Naresh Kumar Singh is now no more hence the workman side are not in position to examine these witness and his prayer is allowed. Then the evidence of workman side got to be closed.

10 First of all this tribunal scrutinizes the evidence of Mandeo Rai (W.W-1) who filed an affidavited examination-in-chief in which he stated that he was posted as senior helper at Patna Airport and during his posting one Sujit Kumar Roy was posted as a Traffic Assistant and R. Prasad was station manager. This witness further stated that station manager used to pressurised him to do his personnel work at his residence but he refused to do. He also stated that the station manager has asked Rs. 20,000/- (Rs. Twenty Thousand) from him. It was also refused by him then the station manager became annoyed with him. He further stated that Sujit Kumar Roy the Traffic Assistant was very closed to the R. Prasad station manager and on the advice of R. Prasad, Sujit Kumar Roy started giving him duty hither and thither and some times Sujit Kumar Roy had changed duty at last movement. This witness further stated that on 31.10.2002, at the instigation of station manager, Sujit Kumar Roy had filed a complaint against him alleging therein he was thrashed by him and on that very day station manager also called him and misbehaved and abused and thereafter station manager served a suspension letter him. This witness further stated that the, fact is on 31.10.2002 Sujit Kumar Roy had assaulted him on his face, stomach and threw his tiffin box for that incident he had filed a written complaint to the station manager but station manager did not take any action. This witness further stated that he filed a complaint case no.- 2324 (C) of 2002 against R. Prasad before CJM, Patna and another complaint case no.- 2325 (C) of 2002 against Sujit Kumar Roy before the CJM, Patna for which court took cognizance against both of them against their respective cases and both are on bail. This witness further stated that he has filed a petition to General Manager (Commercial) Kolkatta to change the enquiry officer J.C. Suri, because J.C. Suri was doing ex-parte enquiry. This witness further stated that on 04.04.2003 enquiry was conducted one sided and the enquiry officer pressurised him to put signature on the enquiry proceeding. However, the facts and evidence brought by him before the enquiry officer was not recorded and the enquiry officer wrote the enquiry proceeding in English language and he made protest. This witness further stated that his all plea were not taken by the enquiry officer and he proceeded his enquiry ex-parte and without giving opportunity to him passed ex-parte order i.e beyond the principle of natural justice. This witness further stated that the management has forwarded his dismissal order to National Tribunal, Mumbai that was totally wrong because National Tribunal, Mumbai has the Jurisdiction to confirm the order passed against the officers of Indian Airlines only. This tribunal finds that no one turn-up on behalf of the management to cross-examine the witness on 28.06.2022. Accordingly he has been discharged. This tribunal further finds that on quarry by this tribunal, this witness reported he was dismissed in the year 2005 and the tribunal found domestic enquiry not proper and fair and he also reported his age is 54 years.

11. This tribunal finds that besides his evidence, the workman Mandeo Rai had filed the affidavited evidence of his witnesses namely Ravi Nandan Kumar Paswan, the company employee of Patna Airport. Naresh Kumar Singh casual helper of Patna Airport and affidavited evidence of one Ram Pravesh Paswan casual worker of Patna Airport. This tribunal further finds that a petition with an affidavit is filed by Mandeo Rai on 19.07.2022 mentioning therein, his witness Naresh Kumar Singh died on 25.10.2021 and other two witness namely Ram Pravesh Paswan and Ravi Nandan Kumar Paswan are traceless as they left the Patna and it is also mentioned by the workman in his affidavit evidence that the affidavited of three witnesses was filed in this tribunal on 21.12.2019 itself. Workman prayed due to aforesaid reasons he could not produce them for cross-examination, hence his evidence may kindly be closed. After scrutinizing the affidavited petition filed by the workman and after hearing the representative of the workman, this tribunal allowed the petition, of the workman and thus the affidavited evidence of Ravi Nandan Kumar Paswan, Ram Pravesh Paswan and Naresh Kumar Singh became infructuous as they did not turn-up for cross-examination mentioning the reasons for their non appearance.

12. It is argued from the learned counsel for the workman that Mandeo Rai the workman has been removed from the service in the year 2005 after holding a biased enquiry against him as workman had made protest for the change of the enquiry officer because of his biased attitude but his prayer was unheard and ultimately after concluding the enquiry ex-parte without giving proper opportunity to the workman passed an erroneous perverse order and there by dismissal order is passed by the disciplinary authority of the management that was also confirmed by the appellate authority. It is also argued that the facts of workman he was misbehaved and abused by the Sujit Kumar Roy the traffic assistant of Patna Airport at canteen premisses on 31.10.2002 in which the workman filed a written complaint to the station manager i.e was never taken up by the station manager rather a false and fabricated complaint against the workman Mandeo Rai has been filed by the Sujit Kumar Roy as at the instance of R. Prasad of Patna Airport. It is further argued

that when the complaint of workman was not entertained by the management side. Mandeo Rai filed a complaint case no.- 2324 (C) of 2002 and against R. Prasad the station manager and 2325 (C) of 2002 of against Sujit Kumar Roy before the CJM, Patna on 13.11.2002 in which the court took cognizance against both of them in their respective cases. This all is corroborated by workman in his evidence before this tribunal but management side deliberately did not turn-up to cross-examine the witness Mandeo Rai so version of Mandeo Rai is unchallenged by the management side. It is also argued by the learned counsel for the workman that initially this case was proceeded by this tribunal to adjudicate the fairness and propriety of the domestic enquiry for which both sides adduced evidence and after securitizing the entire material placed by the both the sides, this tribunal hold that the enquiry was not fair and proper. It is also argued that subsequently management side did not adduce any evidence on merit to suffice its contentions whatever mentioned in the written statement regarding justification of dismissal order against workman Mandeo Rai. It is further argued that since this tribunal hold the enquiry was not fair and proper conducted by the enquiry officer then the proposed punishment of the enquiry officer and followed by the dismissal order passed by the disciplinary authority and its affirmation by the appellate authority become frustrated. It is also argued that since management side completely failed to justify the dismissal order of the Mandeo Rai by any cogent evidence so the relief as asked by the workman in his statement of claim should be allowed in favour of the workman.

13 On the other hand management side did not appear and did not place any argument of its sides.

14. Considering all the facts & circumstances of the case and the submissions as advanced on behalf of the learned counsel of the workman and materials available on record as discussed above this tribunal finds that this reference case no.- 11(C) of 2009 has been received to this tribunal on 29.12.2009 to adjudicate reference schedule:-

(i)“Whether the action of the management of National Aviation Company of India Limited (erstwhile Indian Airlines Limited) in removing Shri Mandeo Rai, Cabin Crew from the services w.e.f. 27.04.2005 is justified and legal? (ii) To what relief is the workmen concerned entitled?”This tribunal further find that initially the case was fixed to adjudicate the fairness and propriety of domestic enquiry conducted by the enquiry officer J.C.Suri who was entrusted by the management to hold the enquiry. This tribunal further finds that both the sides placed their respective evidence documentary as well as oral evidence and after securitizing all the materials and submission of both the sides this tribunal hold the domestic enquiry was not fair and proper and at the same time this tribunal gave direction to the management to produce documents and evidence on merit of the case for the final adjudication of the dispute but management side did not adduce any evidence even after knowing the proceeding of the case and did not abide the order of this tribunal dt-28.04.2016 moreover it was never challenged by the management side rather management side filed a petition to stay the proceeding as similar matter is pending before the National Tribunal, Mumbai that was also heard and this tribunal rejected the petition of the management vide order dt- 22.01.2019. This tribunal find and hold that management side did not adduce any evidence to justify the removal of workman Mandeo Rai from the service w.e.f 27.04.2005. However, the tribunal had already passed the order the domestic enquiry as conducted by the enquiry officer against the workman Mandeo Rai was not fair and proper. However on the basis of enquiry report the workman Mandeo Rai was dismissed from the service from 27.04.2005. This tribunal further finds that workman side has thoroughly proved his contention before this tribunal by way of oral evidence i.e also not controverted by the management side. This tribunal further finds since the domestic enquiry was not found fair and proper by this tribunal and subsequently no evidence adduced from the management side in the support of the action taken by the management for the removal of Mandeo Rai workman from the services, is the clear indication that the removal order passed by the disciplinary authority and the affirmation order by the appellate authority is not legal and justified.

15. Thus on scanning of all the material available on the record as discussed above this is the considered opinion of this tribunal that the action of the management in removing Sri Mandeo Rai the workman from the service w.e.f 27.04.2005 is not justified and legal. Accordingly, management National Aviation Company of India Limited (erstwhile Indian Airlines Limited) is directed to reinstate the workman Mandeo Rai in service from 01.11.2002 and make payment of all his dues, salary from 01.11.2002 onwards and other consequential benefits as per rules within two months of publication of this award. This award is effected after date of publication in gazette.

This is my award accordingly.

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक न्यायाधिकरण, पटना के पंचाट (सन्दर्भ केस नंबर 100 का 2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/01/2024 को प्राप्त हुआ था।

[सं. एल-20012/50/2010-आई.आर. (सी.एम-1)]

मणिकंदन एन., उप निदेशक

New Delhi, the 29th January, 2024

S.O. 174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.Case.No.10© of 2011**) of the **Industrial Tribunal, PATNA** as shown in the Annexure, in the industrial dispute between the Management of **Eastern Coalfields Ltd.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-20012/50/2010– IR (CM-I)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No.:- 10 (C) of 2011

Between the management of Chief General Manager, Eastern Coalfields Ltd. Rajmahal, Area Simra Godda, Godda and Their workman Sri Dinesh Kumar represented through The General Secretary, Jharkhand Mazdoor Kalyan Sangh B/46/90, Urjanagar, PO: Mahagama, Godda, Jharkhand, Jharkhand.

For the management:- Sri Saurabh Sunny, Dy. Manager (P). Sri Pranav Kumar, Presenting Officer.

For the workman:- himself represent.

Present:- **Manoj Shankar**
Presiding Officer,

Industrial Tribunal, Patna.

AWARD

Patna, dt- 27th December, 2023.

By the adjudication order no.- L-20012/50/2010-IR(CM-I) New Delhi, dated- 27.06.2011 the Govt. of India Ministry of Labour New Delhi has referred under clause (d) of sub-section (1) and sub-section (2K) of section 10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as “ the Act”) the following dispute between the management of Chief General Manager, Eastern Coalfields Ltd. Rajmahal, Area Simra Godda, Godda and Their workman Sri Dinesh Kumar represented through The General Secretary, Jharkhand Mazdoor Kalyan Sangh B/46/90, Urjanagar, PO: Mahagama, Godda, Jharkhand, Jharkhand for adjudication to this tribunal.

SCHEDULE

“Whether the action of the management of Eastern Coalfields Ltd. Lalmatia, Goad in denying Promotion to Sh. Dinesh Kumar, Electrician to the Electrician Supervisor Grade, while other employees similarly placed have been promoted, is justified? To what relief the concerned workman is entitled to?”

2. As per the workman’s claim the workman Sri Dinesh Kumar was posted at Daluhand, OCT, in Pandesar Area, Dist.- Burdwan, West Bangal from 25.12.1984 thereafter, he was transferred to Rajmahal Project, Dist.- Godda in the year-1990. It if further asserted that as per the scheme formulated by the management of Coal India Ltd., workmen were to be promoted after of interval of four years. Dinesh Kumar the workman, was the last promoted in the year 1992 and his promotion was due in the year 1996 and 2000 also as per the scheme of the Coal India Ltd. It is further averred in the written statement that the promotion about forty five similarly placed workman was taken by the management but the case of the Dinesh Kumar was not considered. As the management had taken the plea that the workman was not possessing the High Tension (H.T) Licence while denying promotion to him, on the other hand this criteria was relaxed in relation to 40 workmen of whom many were junior to him and rest were similarly placed with him. It is further asserted that the workman has been discharging the duties of a supervisor as foreman in-charge since 2000. It is also asserted that the workman represented to the management on a number of occasions but no positive step was taken by the management side. Thereafter workman had approached to the Hon’ble High Court Ranchi, where the management took the plea that the alternate remedy was available under Industrial Dispute Act, 1947. Accordingly, the writ petition was withdrawn and then Industrial Dispute was raised before the appropriate authority. It is further asserted that Regional Labour Commissioner (C), Patna found the merit in the dispute, the conciliation officer advised management settling the dispute but the management side adopted uncompromising attitude resulted the conciliation ended in the failure and the instant dispute is referred to this tribunal. The action of the management of Eastern Coal Fields Ltd, Lalmatia, Godda in denying the promotion to workman Dinesh Kumar E.P Electrician to the EXCV Supervisor Grade ‘A’ is not justified. **On the following grounds:-**

- (a) The management has violated the principle as laid down under Article 14 of the Indian Constitution;
- (b) Management resorted to discrimination while promoting about 40 persons who are either similarly placed or junior to the workman;

- (c) The management ignored the various representations of the workman;

Thus the workman prays for the following relief (S):-

- (i) The workman be promoted to higher post in the year 1996;
- (ii) The workman be regularized as an Electrician Supervisor Grade 'A' from 2000 with all consequential benefits;
- (iii) The workman be paid at least a sum of Rs. 10,000/- for contesting the dispute;
- (iv) Any other relief (S) as the Tribunal deems fit and proper;

3. It is worth mentioning here that when the management side did not turn up in spite of having knowledge of the proceeding, this tribunal had initiated the ex-parte proceeding vide order dt-03.01.2014 and the workman side also examined two witnesses but later on, the management side appeared on 19.05.2015 and filed a recall petition of ex-parte proceeding that was allowed on 24.06.2015 with the cost of Rs. 2500/-. Subsequently management side filed written statement on 29.07.2015.

4. As per the written statement furnished by the management side, it is asserted therein the claim of the petitioner (workman) is not tenable either in law or in facts as workman does not possess the HT certificate as per the scheme because for the promotion to supervisor grade as per rules and the guidelines the HT Certificate is essential besides this other experience and the findings of DPC Committee are essential. It is further asserted that the petitioner/workman was promoted from Excv. Grade-D to Excv. Grade-C w.e.f 1992 so his assertion is not correct that his promotion was due from 1992 for the E.P Electrician in Grade-B. As per cadre scheme for the promotion to the post of E.P Electrician Grade-B, the petitioner/workman was advised to appear before the DPC on 04.03.1997 in the office of Supdt. (M)/Manager, Rajmahal OCP and there by workman appeared for the same but he did not get through in the trade test. Moreover the workman did not produce the HT Permit Certificate which is highly essential for the promotion of E.P Electrician Grade-B hence the workman was not selected. It is further asserted that none of the employee of EP Electrician Grade-C was promoted in the EP Electrician Grade-B without the HT Certificate as it is the must for the promotion as per the cadre scheme. It is further asserted that the claim of the workman, the employee gets promotion after the interval of four years is not the only criteria, it also depends on the vacancy in the higher grade, rather clearance from the DPC and holding HT Certificate is must as per the cadre scheme however the workman himself admitted that he does not possess the HT Certificate. It is further asserted that the claim of the workman is not correct, his promotion was due from 1996 for the post of E.P Electrician in Grade-B. Promotion from a grade to higher grade based is on the minimum years of experience required in that grade, essential certificates are required and also subject to the vacancy in that higher grade. It is further asserted that the claim of the workman is also not correct that the management has relaxed the eligibility criteria for the promotion of other persons. It is further asserted that since the workman has not fulfilled the eligibility norms and requisite statutory qualification as per the cadre scheme. So he was not considered for the promotion by the management. So case of workman is devoid of merit and it is fit to be dismissed.

5. Having gone through the statement of claim as filed by the workman and written statement as filed by the management side the following issues are recasted for adjudication:-

- (i) "Whether the workman Dinesh Kumar was entitled for the promotion from the post of Electrician to Supervisor Grade?"
- (ii) "Whether the other employees of similarly placed cadre have been promoted?"
- (iii) "Whether the action of the management denying the promotion of Dinesh Kumar is justified?"

FINDINGS

6. All the issues are interlinked so it has to be decided on the basis of evidence as placed by rival parties. On behalf of the management, representative of the management examined altogether three witnesses in support of denying the claim of Dinesh Kumar for his promotion who are namely Shivajee Anand Rao Yadav the Chief Manager Personnel (M.W-1), M.W-2 Malay Kumar Bose, Senior Manager Personnel and M.W-3 Navneet Kumar Choudhary, Manager Personnel. Besides, this management side filed two documents and the same be marked Extd. As Ext.-M Cadre Scheme for excavation Personnel EP Electrician Grade-B to E.P Electrician with its rules (8 pages). Ext.-M/1- A letter of workman Dinesh Kumar addressing to Senior Personnel Manager, Rajmahal Project of dt-15.11.2021.

7. Workman side examined two witnesses namely W.W-1 Sri Kant Singh and W.W-2 Sit Nonia prior to recalling the ex-parte proceeding and after recall the ex-parte proceeding workman himself examined as W.W-3.

Besides, this workman has filed some documents i.e marked as Exts:-

- (i) Ext.W --Cadre scheme for excavation personnel EL Electrician GR III to EP Senior Electrician.
- (ii) Ext.W/1-- Office order of dt- 10.04.2001 given by Senior Personnel Rajmahal.
- (iii) Ext.W/2--Office order of dt- 19.09.2004 issued by Superintendent (M) Manager, Rajmahal (OCP).
- (iv) Ext.W/3--Letter issued by the management to workman to join the duties of H.K.Singh foreman.
- (v) Ext.W/4-- Letter of dt-09.04.1999 issued by Chief Personnel Manager to P.K. Roy, Personnel Manager, Head Quarter with the subject Dinesh Kumar for his promotion in technical-A.
- (vi) Ext.W/5--Standing Order in respect of Eastern Cold Field Ltd.
- (vii) Ext W/6, W/6-1 & W/6-2 -- Applications of Dinesh Kumar dt- 18.02.2003, 09.06.2003, 13.06.2005 addressing to the Chief General Manager in connection with his promotion.
- (viii) Ext.W/7-- Letter of dt-31.12.2005 issued by President Jharkhand Mazdoor Sangh Morcha disclosing of workers.

8. First of all this tribunal scrutinize the evidence of management side M.W-1 Shivajee Anand Rao Yadav who is the Chief Manager Personnel, Rajmahal examined on 14.07.2016 who categorically admitted that workman Dinesh Kumar is working on the post on EP Electrician, he wants to be promoted in Assistant foreman grade but his promotion can't be considered as per rules and regulation because workman has no HT Certificate that is pre-requisite of promotion. This witness also stated that the claim of the workman is false saying he got promotion in 1992 and thereafter he is entitled to be promoted on every four years.

In cross-examination this witness categorically admitted in para-5, if a workman has requisite qualification and if the vacancy is there then a committee of the project considers promotion after serving four years on the previous post. In para-6 of cross-examination this witness stated that there is promotion criteria for four years experience for EP Electrician -3 to EP Senior Electrician but this is not essential but this witness also stated that this is not happened 40-50 EP Electrician got promotion in Assistant foreman.

9. M.W-2 (Malay Kumar Bose) the Senior Manager, Personnel examined on 14.07.2016 this witness admitted examination-in-chief that workman got promotion in 1992 and if the budget allows and vacancy exists then he might be promoted in 1996 and in year 2000. As per the claim of Dinesh Kumar for his promotion certificate of the High Tension is pre-requisite but he can't say whether Dinesh Kumar is having HT Certificate or not.

In cross-examination this witness categorically admitted that he does not know Dinesh Kumar personally but his promotion case is pending and he came to know from Senior Officers, the head quarter rejected the request of promotion as placed by Dinesh Kumar.

10. M.W-3 Navneet Kumar Pandey, Manager Personnel examined on 28.03.2022. He categorically stated before this tribunal that workman Dinesh Kumar is posted as EP Electrician Grade-C category and he wants promotion to grade-B. As per promotion rules of cadre scheme vacancy must be there and HT Certificate is required for promotion. However Dinesh Kumar is not having HT Certificate and he also given in writing to the authority regarding not having any HT Certificate. This witness proved the cadre scheme promotion rules i.e(8 pages) marked as Ext.-M.

In cross-examination this witness admits that Dinesh Kumar got promotion in the year-1992 and there is nothing in the cross-examination to be looked into.

11. Now this tribunal scrutinizes the evidence of workman side. W.W-1 Sri Kant Singh, Dumper Operator, Rajmahal was examined on 10.02.2014 prior to ex-parte recalling proceeding. This witness stated that Dinesh Kumar was working Rajmahal Cold Field Project. He is entitled for promotion but department is not given him promotion disclosing there is no vacancy and lack of budget like wise.

12. W.W-2 Sit Nonia stated that Dinesh Kumar is working as incharge foreman for the last 12 years but he could not get promotion like wise. This tribunal finds that both witnesses have not been recalled by the management for the cross- examination after recalling the ex-parte proceeding.

13. W.W-3 is the Dinesh Kumar the workman himself, who stated before this tribunal that he has working as T & S "A" from the year 2000 ECL Rajmahal. He was directed to do the work of T & S "A" by officers of the ECL. This witness stated that he got his last promotion in the year 1992. This witness further stated that he has written a letter to the Chief Personnel Manager, Rajmahal in the year 1999 regarding promotion thereafter Chief Personnel Officer has sent a letter to the Higher Official mentioning therein if the workman possess the requisite qualification, he will get promotion. This witness further stated that there is rules of promotion of Coal India. Every worker should gets promotion on every four years. This witness also stated that he has written several letters to the authorities for his promotion but his request could not be considered. This witness further stated that his colleagues working on similar

post have been promoted after the relaxing in the rules. This witness further stated that when he was not paid for the work of foreman incharge, he put objection but the authority directed him to do the work of incharge foreman otherwise there will be violation of rules, so he is entitled for promotion. This witness further proved the office order of dt- 10.04.2001 marked as Ext.-W/1 for his transfer and posting to pit office. This witness further proved the office order of dt- 19.09.2004 marked as Ext.-W/2 showing his rest day (Saturday) working at pit office. This witness further proved the letter dt- 15.09.2015 for joining the duties of HK Singh foreman i.e marked Ext.-W/3. This witness further proved the letter of dt- 09.04.1999 written by Chief Manager Personnel to Personnel Manager, Head Quarter regarding promotion of Dinesh Kumar in technical grade "A" i.e marked as Ext.-W/4. This witness further proved the standing order of the Eastern Cold Field Ltd regarding classification of workmen marked as Ext.- W/5. This witness further proved his three letters dt- 18.02.2009, 09.06.2003 and 13.06.2005 addressing to the Chief General Manager requesting for his promotion i.e marked as Ext.- W/6, W/6-1, & W/6-2. This witness further proved the letter of President, Jharkhand Mazdoor Morcha given to Chief General Manager, Rajmahal showing the list of workmen marked as Ext.-W/7.

In cross-examination this witness categorically admitted that he was appointed in 25.12.1984 and he is working on the post of EP grade "C". He got last promotion in the year 1992. In para-26 of the cross-examination of this witness categorically admitted that this is not true there is minimum qualification for promotion and also not true there must be vacancy for the promotion. In para-30 of cross-examination this witness admitted that he has given a letter to the Senior Officer Personnel i.e marked as Ext.-M/1 and he further denied Ext.-W/2 is forged. In para-33 of cross-examination this witness stated that this is not fact that his documents Ext.-W/6 does not denote of any promotion and the shown list of workman got promotion without statutory certificate and he further stated in cross-examination of para-34 is Ext.-W/4 shows regarding his promotion.

14. It is argued from the management side the claim of the workman is not at all maintainable as per the rules and regulations of Eastern Cold Field. It is further argued that the workman has no H.T Certificate that is essential for promotion to the post of Electrician Supervisor which is admitted by the workman also. However, workman claims without requisite certificate 40-45 employees got promotion who were on similar post but this contention of the workman is not at all established by the workman and moreover workman failed to apprise the name of the workmen who got promotion without having H.T. Certificate and prevailing vacancy. This plea simply a sweeping plea taken by the workman. It is further argued that the documents got Extd. By the workman side clearly shows that he was apprised by the management that if there will be vacancy then he will be considered on priority provided he should fulfilled the criteria of promotion. Since workman has no H.T. Certificate and there was no vacancy hence his promotion could not be considered. So workman is not entitled for any relief.

16. On the other hand it is argued from the workman side as per the rules formulated by the management Coal India Ltd., the workman were to be promoted after an interval of four years. This workman Dinesh Kumar was promoted in the year 1992 and thereafter his promotion was due in 1996 and 2000 as per the scheme of Cold India Ltd. Further management promoted more than 40 workmen who were similarly placed but the case of the workman was not considered. It has been further argued, the workman filed his representation represented to the management on a number of occasions regarding to consider his promotion but the management did not consider his request, inspite of doing duty of in charge foreman as per instruction of authority in place of one H.K.Singh when he was ill. It is further argued that even after request for promotion, the workman was not called for DPC as against this Junior Fellowmen were promoted as per certified standing order of ECL. Workman should have been promoted w.e.f 2000 as many persons were promoted barring the workman. The workman side filed some documents in support of his claim i.e detailed in Exts.-W to W/7. It is further argued that debarring the workman for his promotion by management Eastern Cold Field is not justified. So workman is entitled for promotion to the supervisor grade as per his claim.

17. Considering all the facts and circumstances of the case and submissions as advanced on behalf of both the sides and further on scrutinizing of the oral and documentary evidence as placed by both the sides before this tribunal, this tribunal finds that two issues emerged from the rival claims as workman claims as per standing order every workman has to be promoted after an interval of four years, however he could not promoted after 1992 his claim of promotion was in 1996 and 2000 in the supervisor grade. On the other hand the management side submitted through the oral evidence, of course the experience of four years is essential for the further promotion provided workman has H.T Certificate for the promotion to the supervisory post and further there should be vacancy for that promotional post and these two requisite was not having the workman i.e essential for his promotion that's why his promotion could not be considered. This tribunal finds that the workman himself admits that he does not have H.T Certificate marked as Ext.-M/1. Further workman failed to establish there was vacancy to the said post. This tribunal further finds that the workman claims that 45 workmen of his similar post got promotion to the Higher grade without having requisite certificate even workman failed to disclose the names of workmen who got promotion without having any H.T. Certificate. This tribunal further find that this claim of the workman is just a sweeping claim. This tribunal further finds that the workman filed a document i.e Ext.-W/4 that shows that on the request of the workman for his promotion i.e Ext.-W/6 series, the Chief Personnel Manager wrote a letter to Personnel Manager, Head Quarter on 09.04.1999 disclosing the consideration of the promotion of the Dinesh Kumar can be only arrived subject to the vacancy and eligibility and when such vacancy is arise his case will be considered by D.P.C subject to fulfilling the

criteria and requisite qualification as per guidelines and as per scheme. Here this tribunal finds and hold that the workman has misconceived the contention of Ext.-W/4 as he stated before this tribunal through his evidence that the Chief Personnel Manager have sent a letter for his promotion in technical "A" grade. Further this tribunal finds and hold that the workman again misconceived Ext.-W/7 i.e the letter issued by the representative Jharkhand Mazdoor Morcha to the Rajmahal filed disclosing the list of the workmen for their scrutiny i.e 46 a number this document does not show that 46 workmen named in Ext.-W/7 got promoted without having any basic requisite. This tribunal further finds that the management witness M.W-1, M.W-2 and M.W-3 clearly established that the workman Dinesh Kumar could not get promotion because of he was not having H.T. Certificate i.e pre-requisite for the promotion grade "A" Electrician Supervisory and their evidence could not be controverted by the workman. Further workman has been totally failed to establish his claim he should be promoted like other 45 workmen of similar post, who got promotion for after relexing the requisite eligibility. This tribunal further finds and hold that the workman himself admits he does not have H.T. Certificate (Ext.-M/1).

18. Thus on scanning of all the material available on the record as discussed above this tribunal finds and hold that the workman has been totally failed to establish his claim of promotion to the Supervisory grade "A" as he was not having H.T. Certificate and there was no vacancy at the time of his claim i.e dully established by the management authority. This is the settled principle of law also no persons can get promotion, if one does not possess the essential qualification here Dinesh Kumar workman was not having H.T. Certificate the essential requisite for the promotion of Electrician Supervisory grade "A" accordingly this is the considered opinion of this tribunal the action of the management of Eastern Cold Field Ltd. Lalmatia Godda indenying promotion to Sri Dinesh Kumar (Workman) Electrician Supervisory Grade "A" is justified. Thus workman Sri Dinesh Kumar is not entitled for any relief. This award is effected after date of publication in gazette.

This is my award accordingly.

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्पाइस जेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक न्यायाधिकरण, पटना के पंचाट (सन्दर्भ केस नंबर 27 © का 2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/01/2024 को प्राप्त हुआ था।

[सं. एल-20013/01/2024-आई.आर. (सी.एम-1)]

मणिकंदन एन., उप निदेशक

New Delhi, the 29th January, 2024

S.O. 175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.Case.No. 27 © of 2022**) of the **Industrial Tribunal, PATNA** as shown in the Annexure, in the industrial dispute between the Management of **Spice Jet Ltd.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-20013/01/2024- IR (CM-I)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL, PATNA.

Reference Case No.- 27 (C) of 2022

Between the management of The management of M/S Spice Jet Ltd. Patna (Management No.- (1). Mr. S.Z Hassan, Station Manager, M/S Spice Jet Ltd. Patna Jai Prakash Narayan Interanational Airport, Patna-800014 (2) Shree Amit Jha, Security In-charge, M/S Spice Jet Ltd., Patna Jai Prakash Narayan International Airport, Patna-800014 (3) Mr. N. Thiyagarajan, Chief Security Officer of Spice Jet, Gurgaon- 122016, Harayana and their workman Sri Dev Sagar Gupta, A to Z tiles and hardware, Mukhiya Market, Kumraon Road, Malliyabag, Vill + P.O- Semri, P.S- Dawath, Dist.- Rohtas, Pin-802211.

For the management:- Mr. Aayush Abhishek & Deepika Sharma.

Sri Nand Mohan Das, Manager.

For the workman:- himself present.

Present:- Manoj Shankar

Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated-30th October, 2023

By the adjudication order no.- 1/ID/(02/2022/Dy.CLC Patna, dated- 05.04.2022 the Govt. of India, Ministry of Labour & Employment, Maurya Lok Complex, Patna has referred under clause (d) of sub-section-(1) and sub-section-(2A) of section-10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as “the Act”), the following dispute between the management of The management of M/S Spice Jet Ltd. Patna (Management No.- (1). Mr. S.Z Hassan, Station Manager, M/S Spice Jet Ltd. Patna Jai Prakash Narayan International Airport, Patna-800014 (2) Shree Amit Jha, Security In-charge, M/S Spice Jet Ltd., Patna Jai Prakash Narayan International Airport, Patna-800014 (3) Mr. N. Thiyagarajan, Chief Security Officer of Spice Jet, Gurgaon- 122016, Harayana and their workman Sri Sri Dev Sagar Gupta, A to Z tiles and hardware, Mukhiya Market, Kumraon Road, Malliyabag, Vill + P.O- Semri, P.S- Dawath, Dist.- Rohtas, Pin-802211 for adjudication to this tribunal:-

SCHEDULE

“Whether the action of the management of M/S Spice Jet Ltd., Patna Bihar, in terminating the services of workman concerned Shri Dev Sagar Gupta, T.S.E. (Trainee Security Executive) without following principles of natural justice, is just & proper? If not, to what reliefs the workman concerned is entitled to?”

2. Upon receiving the instant reference, notice was sent to the both the sides on 27.07.2022 fixing on 08.09.2022. Records shows workman himself came before this tribunal on 08.09.2022 and he was apprised about the proceeding but thereafter workman never appeared before this tribunal and he did not file any statement of claim. Record shows that management side appeared on 21.02.2022 and submitted before this tribunal, that management is willing file appropriate written statement upon receiving the statement of claim of workman. When workman did not turn-up inspite of knowing the proceeding, this tribunal again sent issue to the workman through registered post on 22.11.2022 but workman Dev Sagar Gupta did not turn-up inspite of receiving the registered notice i.e evident to this facts that the issued registered notice was never returned back to this tribunal i.e indicating of this facts registered notice was well received by the workman Dev Sagar Gupta. Ample opportunity have been given to the workman to file his statement of claim but neither he appeared, nor filed any statement of claim. However, he was again informed through his given mobile no. but workman did not appear before this tribunal. Continuous absence of workman from 01.11.2022 till 10.10.2023 that clearly shows that workman has no interest at all in his own dispute as raised before the Dy. Chief Labour commissioner (C), Patna. This tribunal further finds that management side always appeared before this tribunal on each and every date, short reply / synopsis of this dispute has been also filed by the management on 23.08.2023 with a prayer, since workman Dev Sagar Gupta has no interest to participate in the instant case so appropriate order may kindly be passed.

3. On the ultimate analysis of entire proceeding this tribunal finds that this reference case was received on 12.07.2022 both sides were aware of the proceeding. Workman himself appeared on 08.09.2022 before this tribunal but later on he never appeared before this tribunal and did not file any statement of claim. This all shows that perhaps workman has no grievance with the management now, that’s why he left the pairvi even after knowing the proceeding of this case. So in the facts & circumstances of case as discussed above, this tribunal has no option than to pass “No Dispute Award”. Thus this tribunal pass “No Dispute Award” accordingly. This award is effected after date of publication in gazette.

This is my award accordingly.

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 29 जनवरी, 2024

का.आ. 176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्पाइस जेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक न्यायाधिकरण, पटना के पंचाट (सन्दर्भ केस नंबर 260 का 2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/01/2024 को प्राप्त हुआ था।

[सं. एल-20013/01/2024-आई.आर. (सी.एम-1)]

मणिकंदन एन., उप निदेशक

New Delhi, the 29th January, 2024

S.O. 176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.Case.No. 26 © of 2022**) of the **Industrial Tribunal, PATNA** as shown in the Annexure, in the industrial dispute between the Management of **Spice Jet Ltd.** and their workmen, received by the Central Government on **11/01/2024**.

[No. L-20013/01/2024– IR (CM-I)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL, PATNA.

Reference Case No.- 26 (C) of 2022

Between the management of The management of M/S Spice Jet Ltd. Patna (Management No.-(1). Mr. S.Z Hassan, Station Manager, M/S Spice Jet Ltd. Patna Jai Prakash Narayan Interanational Airport, Patna-800014 (2) Shree Amit Jha, Security In-charge, M/S Spice Jet Ltd., Patna Jai Prakash Narayan International Airport, Patna-800014 (3) Mr. N. Thiyagarajan, Chief Security Officer of Spice Jet, Gurgaon- 122016, Harayana and their workman Sri Niraj Kumar, Jamuna Tower, Block-A, Flat-1,E, RMS Colony, Kankarbagh, Patna-800020.

For the management:- Mr. Aayush Abhishek & Deepika Sharma.

Sri Nand Mohan Das, Manager.

For the workman:- himself present.

Present:- Manoj Shankar
Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated- 18th October, 2023

By the adjudication order no.- 1/ID/(01/2022/Dy.CLC Patna, dated- 05.04.2022 the Govt. of India, Ministry of Labour & Employment, Maurya Lok Complex, Patna has referred under clause (d) of sub-section-(1) and sub-section-(2A) of section-10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as “the Act”), the following dispute between the management of The management of M/S Spice Jet Ltd. Patna (Management No.- (1). Mr. S.Z Hassan, Station Manager, M/S Spice Jet Ltd. Patna Jai Prakash Narayan Interanational Airport, Patna-800014 (2) Shree Amit Jha, Security In-charge, M/S Spice Jet Ltd., Patna Jai Prakash Narayan International Airport, Patna-800014 (3) Mr. N. Thiyagarajan, Chief Security Officer of Spice Jet, Gurgaon- 122016, Harayana and their workman Sri Niraj Kumar, Jamuna Tower, Block-A, Flat-1,E, RMS Colony, Kankarbagh, Patna-800020 for adjudication to this tribunal:-

SCHEDULE

“Whether the action of the management of M/S Spice Jet Ltd., Patna Bihar, in terminating the services of workman concerned Shri Niraj Kumar, T.S.E. (Trainee Security Executive) without following principles of natural justice, is just & proper? If not, to what reliefs the workman concerned is entitled to?”

2. Upon receiving the reference case on 12.07.2022. notices has been issued to both the sides. On 27.07.2022 fixing on 08.09.2022 but management side did not appear on the fixed date, however, a time petition has been filed on behalf of the workman on 08.09.2022. Record shows that workman never appeared thereafter but the management side appeared on 21.12.2022. When the workman did not appear before this tribunal inspite of given opportunities, he was again informed through his given Mobile No. to appear this tribunal on 14.03.2023 but in spite of having knowledge of the proceeding workman Niraj Kumar did not appear and did not file any statement of claim till 10.10.2023. However, tribunal has given ample opportunities to the workman to place his grievance by way of statement of claim. This tribunal further finds that management side also filed a synopsis of reply on 23.08.2023 with a prayer to pass appropriate order since the workman is not willing to participate in this proceeding.

3. Considering all the facts and circumstances of the case and on securitizing the entire record of this case, this tribunal finds that this reference case was received on 12.07.2022 and upon receiving notice, workman Niraj Kumar appeared before this tribunal on 08.09.2022 and filed a time petition for filing statement of claim but Niraj Kumar the workman never appeared before this tribunal, thereafter and did not file any statement of claim. His continuous absence itself denotes that perhaps workman Niraj Kumar has no interest at all in the instant case. That is a clear indication, he has no grievance now. Accordingly in the facts & circumstances of the case as discussed above this is the considered opinion of this tribunal that tribunal has no option than to pass “No Dispute Award”. Thus this tribunal pass “ No Dispute Award” accordingly. This award is effected after date of publication in gazette.

This is my award accordingly.

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 30 जनवरी, 2024

का.आ. 177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय हैदराबाद**, के पंचाट (संदर्भ संख्या 17/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/01/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024.आई. आर. (सीएम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 30th January, 2024

S.O. 177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 17/2006**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd** and their workmen, received by the Central Government on **21/01/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 6th day of June, 2023

INDUSTRIAL DISPUTE L.C.No.17/2006

Between:

Sri Menthaboina Ramulu,

S/o Ramachandraiah,

R/o H.No.3-1-61, Manthini File,

Yellandu, Khammam District.

... Petitioner

And

1. The Chairman and Managing Director,
M/s. Singareni Collieries Company Ltd.,
Head Office, Kothagudem.
Khammam district.
2. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Yellandu Area,
Khammam District.

.....Respondent

Appearances:

For the Petitioner : M/s A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

Sri Menthaboina Ramulu who worked as Coal Filler (who will be referred hereinafter “workman”) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s.Singareni Collieries Company Ltd., seeking for reinstatement into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made by the Petitioner Workman in the petition are as follows:**

It is submitted that the petitioner was appointed as Badli Coal Filler on 19.11.1981 and confirmed as Coal Filler on 19.2.1982, at Yellandu by the Singareni Collieries Company Limited. It is submitted that he was a prompt worker,

regularly attended for duty and worked to the utmost satisfaction of the superiors without any remark till date. The management issued a Charge sheet No. YLD/JK-5/24/207, dated 10.8.2003 alleging that the petitioner gave false information about his name and father's name in connection with his employment and cheated the company by fraudulent methods. Upon the issuance of the charge sheet, enquiry was conducted and an enquiry report dated 17.5.2004 vide Ref. No. YLD/PER/38/1346, was given to the petitioner stating that the allegations leveled by the management against the petitioner were proved. On 23.5.2004 the petitioner submitted a telugu written representation to the 2nd respondent, in reply to the findings of the enquiry officer. Even after receiving the above said representation the management issued a dismissal letter vide Ref. No. YLD / PER/38/2122, dated 5.8.2004 and the respondents dismissed the petitioner with effect from 7.8.2004 stating that there were no extenuating circumstances warranting lesser punishment, and under those circumstances they decided to dismiss the petitioner from the company's services. On 25.8.2004 the Petitioner submitted an appeal to the 1st respondent, in which the lapses occurred on behalf of the enquiry officer in preparing the enquiry report were highlighted, and prayed the Hon'ble authority to cancel the dismissal order and allow the petitioner for duty. The Enquiry Officer did not mark any exhibit on either behalf, to prove the case. He did not consider the positive points in favour of the petitioner in the enquiry proceedings. The benefit of doubt was not granted to this petitioner in the enquiry. The contention of the management is that the petitioner joined the company as the dependent son of a retired employee, but he was his son-in law. As per the agreements, circulars, and practice any employee retired on medical grounds, can get his dependents, i.e. son, adopted son or son-in-law employed in the company. Therefore the company does not loose anything if the petitioner is the son, adopted son or son-in-law of the retired employee. The respondent management without considering the explanation given by the petitioner workmen, the enquiry officer came to the erroneous conclusions basing on the biased statement of the presenting officer and his witness. It is further submitted that the respondent management illegally issued the dismissal order dt. 5.8.2004 without considering the logic, equity and natural justice in the case. The management also did not consider the Petitioner's long-standing service of 23 years without any remarks. Hence the punishment of dismissal is illegal, arbitrary, unjust and disproportionate. The disciplinary authority ought to have considered that the proposed punishment of dismissal is grossly disproportionate to the gravity of the charges. It is further submitted that the petitioner workman is suffering from severe financial difficulties since dismissal from the job, because the petitioner is the sole bread earner of his family on whom wife and children are depended for their lively hood, and the petitioner could not secure alternate employment since his dismissal from service. The petitioner and his family are at the edge of starvation. Therefore, it is prayed that this Hon'ble Court may be pleased to hold that the enquiry conducted by the respondent is vitiated and pass award directing the respondent to reinstate the petitioner herein with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit punishment of dismissal is illegal, arbitrary, unjust and disproportionate and proper in the circumstances of the case.

3. **Respondent filed counter denying the averments of the Petitioner as under:**

The present petition has been filed by the Petitioner who has been dismissed from the Company's service seeking reinstatement with all consequential benefits. The petitioner has secured employment in the respondent company by giving false information regarding his name and his father's name. It is submitted that the petitioner namely Sri Menthaboina Ramulu was appointed as Badli Filler on 18.05.1981 and was subsequently drafted as Coal filler with effect from 01.03.1982. The contention of the petitioner that he was a prompt worker, regularly attended for duty and worked to the utmost satisfaction of superiors without any remark till date, is not correct and the petitioner is put to strict proof of the same. It is contended that the petitioner gave false information regarding his name and father's name at the time of his appointment in the company. It is submitted that it has come to the notice of the respondent that the original name of the petitioner is "Uppari Ramulu S/o. Thirupathaiah" and he secured employment in the respondent company by giving false information regarding his name and his father's name. As such, a charge sheet was issued to him vide Letter No. YLD/JK-5/24/207, dated 10-08-2003 under Company's Standing Orders No. 25 (1) and 25 (10) and for ready convenience which are extracted below:

"25(1) Theft, fraud or dishonesty in connection with the employer's business or property.

25(10) Giving of false information regarding one's name age, father's name, qualifications etc. in connection with his employment."

It is further submitted that the enquiry was conducted by giving full and fair opportunity to the petitioner duly Complying with principles of natural justice. The petitioner has fully participated in the enquiry along with his co-worker. The charges levelled against the petitioner were proved. A copy of the enquiry report together with the enquiry proceedings was served on the petitioner vide Letter No. YLD/PER/38/1346, dated 17.05.2004 giving him an opportunity to represent against the findings of the enquiry officer. The petitioner submitted a representation dated 23.05.2004 and it was found not satisfactory. As such, the petitioner was dismissed from the respondent's company with effect from 07.08.2004, vide Letter No. YLD/PER/38/2122, dated 05.08.2004. It is submitted that the petitioner has submitted an appeal before the Appellate Authority. The Appellate Authority has examined the representation submitted by the petitioner and came to a conclusion that there are no merits to set aside the dismissal order and confirmed the penalty of the dismissal vide letter No.CRP/PER/IR/D/90/2000, dated 26.11.2004. The contention of

the petitioner that the enquiry officer did not mark any exhibits on his behalf to prove the case and that he had not considered the points in favour of the petitioner in the enquiry proceedings, are denied and the petitioner is put to strict proof of the same. It is reiterated that the enquiry was conducted by fully complying with the principles of natural justice. It is submitted that the petitioner had joined the respondent company as son of an ex-employee namely M. Ramchander who was declared unfit. It has come to the notice of the respondent that the original name of Sri Menthaboina Ramulu (Petitioner herein) is Uppari Ramulu S/o. Thirupathaiah and he secured employment in the respondent company by giving false information regarding his name and his father's name. The contention of the petitioner that the respondent company does not lose anything with the petitioner is the son, adopted son or son-in-law of the retired employee is not correct and the petitioner is put to strict proof of the same. It is reiterated that the petitioner secured employment by fraudulent means by giving false information regarding his name and his father's name, which amounts to misconduct Under Company's Certified Standing Orders. An enquiry was conducted by fully complying with the principles of natural justice while giving full and fair opportunity to the petitioner. The petitioner participated in the enquiry along with his co-worker. As the charges levelled against the petitioner are grave and serious he was dismissed from company's services w.e.f. 07.08.2004. The contention of the petitioner that the respondent management without considering the explanation given by the petitioner, the enquiry officer came to an erroneous conclusion based on the bias statement of the presenting officer and his witness, are denied. In fact the Enquiry Officer held the petitioner guilty of misconduct under company's standing orders 25 (1) and 25 (10) based on the evidence on record. It was further established that the petitioner is son-in-law of ex-employee i.e. Sri M. Ramchander, but not his son. The contention of the petitioner that the respondent management illegally issued the dismissal order dated 5.8.2004 without considering the logic, equity and principles of natural justice, is not correct and such are denied. It is further contended by the petitioner that the punishment is illegal, arbitrary, unjust and grossly disproportionate to the charges levelled against him, is denied. The petitioner did not submit the requisite forms for refund of FBIS (Accumulations) and Coal Mines Provident Fund. Further, the petitioner is not entitled for payment of Gratuity as he was dismissed from services for misconduct committed by him. In view of the above, it is prayed this Court to dismiss the claim petition as devoid of merits.

4. Both the parties have filed written arguments in support of their pleadings.

5. **From the perusal of pleadings and on the basis of submissions made by both the parties following issues emerge for determination:-**

- I. Whether the departmental enquiry is legal and valid?
- II. Whether the action of the Respondent Management in dismissing the workman Sri Menthaboina Ramulu from the service is justified?
- III. Whether Petitioner workman is entitled for reinstatement in service as alleged by him in his petition?
- IV. Whether the punishment of dismissal is proportionate to the gravity of the charges? If not, to what relief, if any, the Petitioner is entitled?

Finding:

6. Point No.I: Point No.I pertains to the question whether departmental enquiry held against the workman is legal and valid. The legality and validity of the departmental enquiry has been held by the Court vide order dated 20.4.2011 as legal and valid.

Thus, Point No.I is answered accordingly.

7. **Point No.II:** Admittedly, workman was appointed in the Respondent company as badli coal filler on 19.11.81 and later on confirmed as coal filler on 19.2.982. He was charge sheeted for committing misconduct under the company's Standing Orders No.25.1 and 25.10 and departmental enquiry was initiated against him and after providing hearing opportunity to the delinquent, the Disciplinary Authority vide order dated 5.8.2004 dismissed the workman from the service on finding him guilty of misconduct under company's Standing Orders. Further, the workman preferred the appeal against the dismissal order but the Appellate Authority finding no ground, dismissed the plea of the workman.

8. Respondent's counsel contended that the workman had joined the Respondent's company as a son of ex-employee namely M. Ramachandru who was declared unfit. But later on it came to the notice of the Respondent company that real name of the workman is Uppari Ramulu, S/o Thirupathaiah and he had secured employment in the Respondent company by giving false information regarding his name and his father's name. It is also submitted that workman was actually son-in-law of the ex-employee Late M. Ramachandru, but, by impersonating himself as S/o M. Ramachandru he obtained the employment in the Respondent company in the name of Menthaboina Ramulu by concealing his actual name i.e., Uppari Ramulu as well as his father's name 'Thirupathaiah'. Thus, the workman obtained the employment as dependent of ex-employee M. Ramachandru by making misrepresentation to the Respondent that he is son of M. Ramachandru and obtained the job in the Respondent company. Thereby he committed fraud and dishonesty in connection with the employment and has also given false information regarding his own name and his father's name in connection with his employment by not disclosing his and his father's real

name. The afore mentioned act committed by the workman for obtaining the employment in Respondent 's company amounts to serious and gross misconduct under the company's Standing Orders No.25.1 and 25.10. Therefore, the action of the Respondent in dismissing the Petitioner from service can not be faulted with and thus dismissal order dated 5.8.2004, w.e.f. 7.8.2004 passed is legal and justified.

9. On the other hand, counsel for workman submitted that he was issued with charge sheet dated 10.8.2003 with a charge of furnishing false information regarding his name as well as his father's name and on the receipt of the above charge sheet he pleaded not guilty. Thereafter, enquiry was conducted and Petitioner was not given any opportunity much less valid in nature. It is also submitted that to prove the charge against workman the certificate allegedly received from MRO, Yellandu, by the Presenting Officer and the Enquiry Officer, but MRO was not examined to prove the contents of the certificate issued by the MRO. It is also submitted by workman that workman's father's name is Ramchander Rao alias Ramachandru alias Ramchander who was an employee with the 1st Respondent company. Thereafter consequent upon Mr. Ramachander Rao's recommendation and certification, the Petitioner was given dependent employment. It is also submitted that all the service records relating to the Petitioner clearly indicate that, he is the son of Late Sri Ramachander Rao alias Ramchandru. On receipt of application submitted by the Petitioner's father, requesting to provide employment to the Petitioner, he was given dependent employment. It is also submitted that due to family disputes, his mother approached the Judicial First Class Magistrate Court, Yellandu claiming maintenance from the Petitioner categorically pleading that the Petitioner is the son. But in the answer to one question during the enquiry, wherein, it was alleged by Petitioner's mother, that the workman is not son but son-in-law, hence, the case of maintenance was failed and was cancelled by the Court. On this basis the workman submitted that finding of the Enquiry Officer about the false information furnished by the workman regarding name of his father is only perverse and upon the order of dismissal dated 5.8.2004 passed by Disciplinary Authority is illegal and arbitrary and liable to be dismissed. The submission of the workman that he was not provided hearing opportunity during the enquiry is concerned, has been decided by the tribunal vide order dated 20.4.2011 and it has been held the enquiry was conducted by following the principles of natural justice. The issue of legality and validity of departmental enquiry has become final. Now at this stage he is not permitted to raise this question. Thus, I find no force in this contention of the workman.

10. Next submission of the workman is that the Enquiry Officer, in order to prove charges against the workman, he summoned the Respondent from MRO regarding verification of workman and his father's name and MRO submitted his reported dated 30.5.2003 and same was relied upon in Enquiry but MRO was not examined to prove the contents of that report. Therefore, the dismissal order on the basis of MRO's report is illegal and arbitrary. Perusal of Enquiry Proceeding goes to reveal that Enquiry Officer during the Enquiry Proceeding as to ascertain the verification of workman's name and father's name a report from MRO was summoned vide letter dated 26.5.2003 and in reply MRO submitted report dated 30.5.2003, addressed to Deputy General Manager (Vigilance), M/s. Singareni Collieries Company Ltd., Kothagudem, therein it is specifically mentioned as below:-

"the matter has got verified and during local enquiry it was revealed that the person whose photograph is sent for verification has been identified as Sri Uppala Ramulu, S/o Tirupathaiah who is working in M/s. Singareni Collieries Company Ltd., and residing at H.No.3-1-61 of Manthininfle Basthi, Yellandu. The caste of the individual is 'Golla'."

The voters list was also attached with the report. This verification report dated 30.5.2003 of MRO has been proved by Presenting Officer in his statement and witness Sri Shyamsundar Reddy, who was working as Dy. P.M., in the company, has stated, "Sri Menthaboina Ramulu, S/o Ramachandra Rao is Sri Uppala Ramulu, S/o Tirupathaiah. But he joined in company as Sri Menthaboina Ramulu S/o Ramachandra Rao and thus, he acquired job in the Singareni Collieries Company Ltd.," He further stated, "In the enquiry conducted by company officials against the complaint received from Smt. Mallamma alias Suvarnamma, W/o M.Ramachander Rao and Dhanalaxmi D/o Late M. Ramachander Rao, it was revealed that Sri Ramulu (CSE) is not the son of Sri Ramachander Rao but his original name is Uppala Ramulu S/o Thirupathiah. This was confirmed by MRO, Yellandu. The declaration of MRO and Voter's list copy and other witnesses have proved this. Thus, the name of Sri Ramulu (CSE) is confirmed as Sri Uppala Ramulu, S/o Thirupathaiah." The MW1 has categorically proved that workman's name is Uppala Ramulu, S/o Thirupathaiah and he is not son of Ramachander Rao. This witness was cross examined by the delinquent during the enquiry, but in cross examination MW witness was never confronted regarding MRO report dated 30.5.2003 as referred and proved by MW1 in chief examination. Therefore, MRO report stands proved by the evidence of MW1. Further, the evidence of complainant the Widow of Ramachander Rao, ex-employee, Smt. Mallamma was also recorded during the enquiry and she has stated that, they have 8 children in total one son and seven daughters. They have given her eldest daughter Dhanalaxmi to Sri Uppala Ramulu S/o Thirupathaiah who was working as servant in their house. Further she deposed that her husband's job was lost six years prior to the marriage of Dhanalaxmi. Her husband was declared medically unfit due to poor vision. Company offered dependent job to her son through a notice displayed after 6 years. Then her son-in-law Sri Uppala Ramulu threatened her husband through her daughter Dhanalaxmi and broken the head of her husband. Complainant witness further stated that her son-in-law "Uppala Ramulu" created certificate as her son and now doing job in the company. Further, she deposed that he (Uppala Ramulu) left her daughter Dhanalaxmi with them and left away and after one year he gave divorce to her

daughter and married another women and got four children. Thus, he cheated her family. Thus, from the statement of the complainant, widow of Ramachander Rao, it is evident that the workman whose real name is Uppala Ramulu, was son-in-law of complainant and of Late Ramachander Rao, ex- employee and he was not their son. Witness was cross examined by the delinquent and she stated categorically that workman is her son-in-law. Therefore, the testimony of the widow of Ramachander Rao, ex-employee is cogent and reliable to prove the fact that real name of workman is Uppala Ramulu and not Menthaboina Ramulu and he is not son of M. Ramachander Rao but his son-in-law. Thus, it is evident from the oral and documentary evidence that the workman by coercion and intimidation got moved application through Ramchander Rao, Ex.employee for his appointment in the Respondent company as dependent of Mr. Ramachander Rao as his son and he obtained the job by adopting the illegal means by furnishing false information regarding his name and his father's name and he joined the job in Respondent company as son in dependent category although he was not ex-employee's son but he was son-in-law. Workman has taken the plea that son-in-law also included in the dependent category as per rules of company's Standing Orders and his appointment in the employment of Respondent is not illegal. But as discussed above, the workman in this matter has not applied in the dependent category of son-in-law of Ramchander Rao He applied and got appointment as a son of Ramachander Rao, Ex.employee. Actually he was not son of Ramachander Rao. Therefore, plea of workman is not tenable. Thus, from the evidence of witness Smt. Mallamma and MRO report, the contention of the Respondent that workman has furnished false information regarding his name and his father's name is proved and it is major misconduct under the company's Standing Orders No.25.1 and 25.10 which the workman has committed. This also pertinent to mention here that during the enquiry workman Sri Ramulu alias U. Ramulu examined himself as a defence witness, wherein, he has stated that he has applied for dependent employment as S/o M. Ramachander Rao, ex-employee. In cross examination, the delinquent states that the certificate given by MRO is true and also admitted that the daughter of Late M. Ramachander Rao had married to him. Therefore, from the statement of delinquent workman during the enquiry it is evident that workman is son-in-law of the ex-employee Late M. Ramachander Rao whereas he has claimed the employment in the Respondent company as a dependent son of Late M. Ramachander Rao, by furnishing false information regarding his name as well as his father's name. Thus, on the basis of the evidence recorded during the enquiry, the Enquiry Officer rightly held workman guilty of charges of misconduct under company's Standing Orders No.25.1 and 25.10 for giving false information regarding his name and father's name as well as for his fraudulent misconduct which is major one. Therefore, in view of evidence discussed as above, I find no force in submission made by the workman. Further, workman has relied upon citations discussed as below:

GM, SCCL Ltd., Mandamarri Divison, Kalyankhani, Adilabad Vs. Mohd. Fareed, reported in 2011(3) ALD 442, the Hon'ble High Court held, "the Petitioner was under obligation to prove that charge by examining the persons, who came to the conclusion, or confirmed the opinion that the certificate is fake."

In above mentioned case facts are that not a single witness was examined in support of the charge by prosecution. Therefore, facts being different, does not apply in this case. Whereas in the present matter, to prove the charges against the workman, Presenting Officer has examined the witness in support of charges Sri P. Shyamsundar Reddy and the Widow of Late M. Ramachander Rao, ex-employee and they have proved the charge levelled against the workman. Further, verification report was also obtained from the MRO which also proved the fact that workman 's real name and his father's name is, Uppala Ramulu, S/o Thirupathaiah, hence, workman does not find any help from this citation in this matter.

Another decision has been cited as of Delhi Cloth & General Mills Vs. Lud Bud Singh, reported in AIR 1972 SC 1031, wherein Apex Court held,

To prove the misconduct the burden of proof lies upon the party when allegations of misconduct are levelled against a person, it is the primary duty of the person making those allegations to establish the same and not for an accused to adduce negative evidence to the effect that he is not guilty."

In the present matter the charges against the workman have been proved during enquiry by the evidence of witness examined and report of MRO. It is evident that in this case the workman was not asked to produce the evidence in negative. Therefore, the facts of this case law are different and workman does not find any help of it. Similarly, other citations also pertains to principle of burden of proof during the enquiry and Enquiry Proceeding has been conducted by following the principles of natural justice.

12. Therefore, in view of the discussion in the fore gone paragraphs, I am of the considered opinion that the action of Respondent management in dismissing the workman form service on the charge of misconduct as committed under company's Standing Orders No.25.1 and 25.10 is just and he is not entitled for relief of reinstatement.

Thus, Point Nos. II & III are answered accordingly.

13. Point No.IV: In view of the above, it is clear that the workman has been rightly held guilty for misconduct. Now, as far as question of imposition of punishment for misconduct is concerned, the reference of the case law decided by Apex Court given below is relevant:-

In the case of M.L. Singla Vs. Punjab National Bank, Civil Appeal No.1841 decided on 20.9.2010 Hon'ble Apex Court have held:-

"once it is held that domestic inquiry is legal and proper the next question which arises for consideration is as to whether the punishment imposed on petitioner is just and legal or it is disproportionate to the gravity of the charges."

Workman in his petition has contended that the Disciplinary Authority while passing the order of dismissal ought to have considered the imposition of proposed punishment of dismissal from service is proportionate to the gravity of the charges or not. It is also submitted that the workman is suffering severe financial difficulties since his dismissal from job because the workman is the sole bread winner of his family i.e., wife and children.

14. On the other hand, the Respondent counsel submitted that the action of the Respondent by dismissing the Petitioner from service is justified keeping in view of the gravity and seriousness of the misconduct committed by the workman. In the present matter workman has obtained the employment in Respondent company by fraudulent means by furnishing false information regarding his name as well as his father's name by concealing his real name and father's name in connection with employment which is a grave and serious misconduct under company's Standing Orders. In this context the reference of decision of Apex Court is relevant as discussed below:-

Hon'ble Apex Court in Civil Appeal No. 2911 OF 2022 M/s Indian Oil Corporation Ltd., Vs. Shri Rajendra D. Harmalkar 2022 SCC 486 have held,

" In the present case, the original writ petitioner was dismissed from service by the Disciplinary Authority for producing the fabricated/fake/forged SSLC. Producing the false/fake certificate is a grave misconduct. The question is one of a TRUST. How can an employee who has produced a fake and forged marksheet/certificate, that too, at the initial stage of appointment be trusted by the employer? Whether such a certificate was material or not and/or had any bearing on the employment or not is immaterial. The question is not of having an intention or mens rea. The question is producing the fake/forged certificate. Therefore, in our view, the Disciplinary Authority was justified in imposing the punishment of dismissal from service."

15. As in the above decision, similarly, in the present matter the workman for obtaining employment in Respondent company has furnished false information regarding his name as well as his father's name while concealing his real name. Thereby he obtained the job by act of misrepresentation and Respondent was justified in imposing the punishment of dismissal from service.

16. As far as interference in the order of the punishment imposed by Disciplinary Authority is concerned, Hon'ble Apex Court, in the case of **Damoh Panna Sagar Rural Regional Bank and another reported in Air 2005 SC 584, the Hon'ble Apex Court have held:-**

" the Court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the Court, in the sense that it was in defiance of logic or moral standards. Unless the punishment imposed by the Disciplinary Authority or the Appellate Authority shocks the conscience of the Court/Tribunal, there is no scope for interference." "In the instant case, services of the bank employee of Regional Rural Bank were terminated on ground that he had unauthorisedly withdrawn amount from bank."

17. Undisputedly both the charges of misconduct under company's Standing Orders 25.1 and 25.10 against the workman were held proved in departmental enquiry. One can not possibly argue that charges aforementioned were simple in nature. In other words, both the charges were of serious in nature. So far as charges are concerned, he has furnished false information about his name as well as his father's name in connections with employment in the company at the initial stage of service and thus, he has cheated the company with misrepresentation and adopted fraudulent means in obtaining the employment in the Respondent company by act of impersonation as well as misrepresenting him to Respondent company as son of Late M. Ramachander Rao, ex-employee, whereas he was actually the son-in-law of Late M. Ramachander Rao, ex-employee. Therefore, he has also committed act of fraud with company, further he also furnished false information regarding his own name and father's name in connection with the employment by concealing his and his father's actual name. Therefore, I am of the considered view that both the charges are being serious in nature, deserve major punishment of dismissal and the punishment order of dismissal passed against the workman by the Disciplinary Authority can not be faulted with and nor it can be said that in any way disproportionate to the gravity of the charges. There is no extenuating circumstances to show that the punishment is disproportionate to the gravity of charges and not commensurate to the misconduct proved against workman. Alleged misconducts are admittedly of major in nature according to certified Standing Orders of the company and considering the seriousness of the misconduct. In other words, the punishment of dismissal of workman is proportionate with the gravity of the charges levelled and proved against him and hence, deserves to be upheld and Petition of the workman is liable to be dismissed.

Thus, Point No.IV is answered accordingly.

ORDER:

In view of the fore gone discussion and law laid down by Apex Court, the action of the Respondent management in terminating the Petitioner workman Sri Menthaboina Ramulu (real name Sri Uppala Ramulu) from

service is hereby held legal and justified. Hence, the Petitioner is not entitled to any relief of reinstatement as he prayed for and petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 6th day of June, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 जनवरी, 2024

का.आ. 178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय हैदराबाद**, के पंचाट (संदर्भ संख्या 44/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/01/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024, आई. आर. (सीएम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 30th January, 2024

S.O. 178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 44/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd** and their workmen, received by the Central Government on **21/01/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**
Presiding Officer

Dated the 4th day of December, 2023

INDUSTRIAL DISPUTE L.C.No. 44/2007

Between:

Sri D. Raj Kumar,
S/o D. Lingaiah,
C/o A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. college for Girls,
Kachiguda, Hyderabad.

.....Petitioner

AND

1. The Director (P & P),
The Singareni Collieries Company Ltd.,
Kothagudem, Khammam District.
2. The General Manager,
The Singareni Collieries Company Ltd.,
Mandamarri, Adilabad District.
3. The Colliery Manager /
Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
KK-2 Incline, Mandamarri,
Adilabad District.Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

Sri D. Raj Kumar, who worked as Clerk (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for reinstatement into service, duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The brief averments of the claim statement filed by the Petitioner are as under:-

It is submitted that while Petitioner was working as Clerk in the 1st Respondent company a charge sheet dated 24.8.98 was issued, certain irregularities for which Petitioner submitted his explanation. Having satisfied with the explanation, no further action was initiated. Thereafter, a charge sheet dated 5.3.99 was issued alleging that some irregularities were found by Internal Audit Department, during their verification of LTC/LLTC pay sheets for the period from 1995 to 1998. On receipt of the said charge sheet, Petitioner submitted his explanation denying the charges and without considering the explanation submitted by the Petitioner, an enquiry was conducted, wherein, Petitioner was not given any opportunity, much less valid in nature. During the enquiry, it was alleged that Petitioner prepared pay sheets of Coal Fillers and committed in some irregularities intentionally. But, a bare perusal of the charges alleged and the evidence on record clearly indicate that there was no intentional lapse on the part of the Petitioner and the mistakes occurred owing to work pressure. It is to submit that there is no charge of misappropriation or mis-utilization of funds. The charge alleged against the Petitioner was while preparing the LTC/LLTC pay sheets, Petitioner did not observe the availability of leave, eligibility for the 12 workers. A bare perusal of allegations of management representative during the course of enquiry would go to show that allegations made against the Petitioner were of pure procedural mistakes. The allegations made against the Petitioner pertains to 12 workmen, while preparing the pay sheets for thousands of cases of workmen, during his tenure as pay sheet Clerk. It is to humbly submit that while participating in the enquiry, Petitioner categorically pleaded that the mistakes occurred while preparing the LTCLLTC pay sheets, were only due to oversight, but not intentional. He also explained that in most of the cases there was no mistaken payment. Without verifying the records properly, the charge sheet was issued to him. The Petitioner prays to treat the statement given by him before the Enquiry Officer be treated as part and parcel of this petition also as the Petitioner is voiding the same for brevity. While appraising the evidence, enquiry officer did not consider the submission made by the Petitioner in proper perspective and the defense of the Petitioner was completely ignored on the pretext of "it is a lame excuse". It is submitted that there is no contra evidence on record, to ignore the submissions put forth by the Petitioner. The mistake occurred by over Sight ought not have been treated as misconduct under Company Standing Order No.25.1. It is to humbly submit that no other witness was examined by the Enquiry Officer except the management representative and the Petitioner. The management representative cannot be treated as witness. Therefore, simply because management representative alleged that intentionally the Petitioner paid LTC/LLTC to the 12 ineligible workmen, the submissions of the Petitioner cannot be given a go bye. As a matter of fact, Petitioner was not given the opportunity of either cross examining the management representative or producing witnesses on his side, neither the procedure of enquiry was explained nor the documents relied upon were furnished to the Petitioner at any point of time. The Enquiry Officer proceeded with a preconceived notion, as if, the Petitioner is guilty of charges. It is submitted that the management representative and the Enquiry Officer exclusively relying upon the report of the internal audit, the charges were

treated as proved, but no such report was either furnished to the Petitioner either before or during the course of enquiry, nor the same was marked during the course of enquiry. Even, the deposition of the Petitioner, was neither doubted nor contradicted during the course of enquiry. The defense put forth by the Petitioner was not proved as wrong. As a pay sheet clerk, Petitioner has prepared the pay sheets of workmen of their LTC/LLTC every month. In that process, some mistakes might have occurred. In those days there were no computers, every work was to be done manually. Therefore, such mistakes occurred by over sight ought not to have been treated as deliberate in nature. It is submitted that no malafides were attributed to the Petitioner. Therefore, the question of intentional Payments, does not arise. However, as the charges alleged against the Petitioner does not have any charge of misappropriation, no further action was taken on the enquiry conducted basing on charge sheet dated 5.5.99. It is submitted that., while so, another charge sheet dated 5.1.2000 was issued alleging habitual absenteeism from April'99 to December'99 and an enquiry was conducted. During the enquiry, Petitioner categorically pleaded that as he was suffering with back pain, he has taken treatment in company's hospital and also in the private hospital. As a result, he could only work for 60 days during the year 1999. When, the statement of the Petitioner was not doubted, it should be treated as if such statement was accepted by the management. It is submitted that subsequent to the recording of statement by the Petitioner, the Enquiry Officer should explain to the delinquent employee about the opportunity to lead evidence on his behalf and permit the delinquent employee to examine witnesses on his behalf. But, in the instant case, no such opportunity was given to the Petitioner. As a result of the above improper conduct of enquiry, Petitioner was greatly prejudiced, resulting in issuance of order of dismissal from service. It is submitted that had the Enquiry Officer explained the procedure of enquiry, permitted the Petitioner to cross-examine the management witnesses, permitted the Petitioner to lead evidence, Petitioner could have participated in the enquiry more effectively and the necessity of issuance of impugned order of dismissal could not have been arisen. Even otherwise also, the Enquiry Officer, while preparing his report, has not considered any of the submissions made by the Petitioner. When the Petitioner's evidence was not doubted, the absenteeism alleged ought not to have been treated as unauthorized absenteeism without sufficient cause. The way the Enquiry Officer appraised the evidence shows that he was predetermined to hold the Petitioner as guilty of charges. The finding of the Enquiry Officer that the Petitioner was absent frequently is outside the scope of evidence on record. Further, the finding of the Enquiry Officer that the Petitioner convinced to admit his guilt unconditionally in the presence of management representative also beyond the scope of evidence on record. As a matter of fact, Petitioner categorically pleaded the reasons for his inability to perform duties during 1999. Despite, holding as if the Petitioner has admitted the guilt, shows that the Enquiry Officer was predetermined to hold the Petitioner as guilty. As a matter of fact, the findings of the Enquiry Officer are wholly perverse. It is submitted that consequent upon the conclusion of enquiry conducted in pursuance of charge sheet dated 5.1.2000, the proceedings pertains to the earlier charge sheets dated 24.8.1998 and 5.5.99 were once again revived suo motto and by referring all the three charge sheets dated 24.8.1998 and 5.5.99 and 5.1.2000, the Petitioner was dismissed from service vide office order dated 16.11.2000. It is submitted that, having issued the charge sheets the Respondent s have chosen not to proceed further in pursuance of charge sheets dated 24.8.1998 and 5.5.99. But, while dealing with the charge sheet dated 5.1.2000, the earlier charge sheets cannot be revived and basing on all those charge sheets Petitioner cannot be dismissed from service. It is further submitted that while issuing the impugned order dated 16.11.2000, the first Respondent has not considered the submissions made by the Petitioner independently. He proceeded to rely upon the reports of the Enquiry Officer, ignoring the pleadings of the Petitioner. While considering reports of the Enquiry Officer, the Disciplinary Authority is bound to apply his mind independently and come to a conclusion. But, in the instant case, a bare perusal of impugned order indicate that Disciplinary Authority has not considered the evidence on record independently and simply relying upon the reports of the Enquiry Officer, a cryptic and unreasoned order was passed holding the Charges alleged against the Petitioner are proved, hence, Petitioner is liable be dismissed from service. Such an on action on the part of the Disciplinary Authority is wholly unjustifiable. Be that as it may, finding of the Disciplinary Authority that he could not find extenuating circumstances to take lenient view, except the dismissal from service also unjustifiable, as, having been appointed in the first Respondent company in the year 1982, Petitioner had no adverse remarks at any point of time. Even in the instant case also the allegations made against the Petitioner were of irregularities occurred on account of workload and that absenteeism caused owing to his illness. Therefore, the finding of the Disciplinary Authority that he could not find any extenuating circumstances on consideration of past record of the Petitioner also is unjustifiable. It is submitted that assuming without admitting that the charges alleged against the Petitioner are rightly held proved by the Enquiry Officer, even then, the punishment of dismissal imposed on the Petitioner would be highly disproportionate to the charges alleged. In any case, if this Hon'ble Court comes to a conclusion that the charges alleged against the Petitioner are rightly held proved by the Enquiry Officer, the Petitioner craves indulgence of this Hon'ble Court to modify the punishment from that of dismissal from service to that of any other lesser punishment, so as to enable the Petitioner to survive. The Petitioner is a sole breadwinner in his family, as a result of dismissal from service, Petitioner and his family are facing hardships and starvation, Petitioner remained without any employment from the date of his dismissal from service and spending the day at the mercy of one and all. The Petitioner is not able to provide two square meals a day to his family, the education of his children has already come to a standstill. It is therefore prayed to declare the office order No.E.10/4201/IR/2952 dated 16.11.2000 issued by the 1st Respondent as illegal and arbitrary and set aside the same, consequently direct the Respondent s to re-instate the Petitioner into service duly granting all other consequential benefits.

3. Reply statement filed by the Respondents denying the averments of the Petitioner as under:-

It is submitted that the Petitioner was appointed on dated 1.7.1982. He was working as clerk Grade-I and was looking after the pay sheet preparation of coal fillers of K K2 Incline. During the verification of records by the audit department, it was revealed that the Petitioner had paid an amount of Rs.15,245.22. Towards wages to 20 coal fillers and Badli coal fillers, even though they did not book their 'IN' and 'OUT' muster in the C-register. Further, it is submitted that it was also revealed that the Petitioner had paid an amount of Rs.870-34 ps. towards 20 Coal fillers and Badli Coal fillers, even though these employees were on special leave and not eligible for such payment for a relevant period. Since the Petitioner had paid intentionally excess amounts to the workmen, though they were not eligible for such payments, he was charge sheeted vide No.K2/50/98/2387 dated 24.8.98. On receipt of the chargesheet, the Petitioner submitted his written explanation dated nil. accepting his mistake, the contention of the Petitioner that having satisfied with his explanation no further action was initiated is not correct. In fact, enquiry into the charges levelled against the Petitioner was fixed on 1/12/1998 and at the request of the Petitioner, the enquiry officer held further proceedings on 16.2.1999 and on 27/4/2000 and the Petitioner fully participated in the enquiry proceedings. It is submitted that as per the report of the inquiry officer, the charge levelled was proved. The Petitioner was supplied copy of enquiry report proceedings but he did not submit any representation. While so, during verification of LTC and LLTC records for the period 1995 to 1998 by internal audit department, it was noticed that the Petitioner prepared Pay sheets and allowed payment towards LTC and LLTC to 12 employees in violation of the stipulations governing LTC and LLTC. This being a serious misconduct, the Petitioner was charge sheeted while charge sheet No.K2/50/99/1655 dated 5.5.1999 under company Standing orders No.25.1. It is submitted that in this charge sheet also enquiry was conducted by the enquiry officer giving full and fair opportunity to the Petitioner and the Petitioner fully participated in the enquiry. As per the report of the inquiry officer, the charge levelled was proved and the Petitioner was held guilty of the charges levelled against him. He was supplied copy of enquiry, report and proceedings etc., vide letter dated 13.7.2000 but he did not submit any representation. At this juncture, the Petitioner remained habitually absent to duties during the year 2000. He had put in only 60 masters during the entire year which is constituted misconduct under company standing orders. He was charged, seated under Class 25.25 of standing orders vide charge sheet dated 5.1.2000 and the Petitioner was not attending to duties, the charge sheet was sent to his residential address and as the same was written and delivered, it was published in Telugu daily, Andhra Jyothi dated 23.3.2000. Inquiry was held on 31/3/2000 and the Petitioner took part in the proceedings fully and he was given every opportunity to conduct. It is submitted that as per the report of the inquiry officer, the charge was proved and the Petitioner was held guilty of misconduct under company standing orders number 25.25. The Petitioner was supplied copy of inquiry report proceedings while letter dated 15.5.2000 and the Petitioner submitted his representation dated 26.5.2000 which was considered to be not satisfactory. It is submitted that the Petitioner did not submit his written explanation to charge sheet dated 5.5.1999 and this was admitted by him during the course of inquiry also. Hence, his claim that he submitted his written explanation denying the charges incorrect. The further contention of the Petitioner that during the course of enquiry, he was not given any opportunity, much less valid in nature, is incorrect and hence denied. The Petitioner participated fully in all the three inquiries and he was given full and fair opportunity to conduct his defence. The Petitioner intentionally made payments towards LTC and LLTC. Though the employees concerned were not eligible and hence his contention that it was not intentional and that there was no misappropriation, etcetera is denied. The further contention of the Petitioner that due to work pressure, the mistake had taken place and that these are procedural mistakes also incorrect. The Petitioner, being senior clerk and having full knowledge of the procedure to be followed with regard to the eligibility of for LTC and LLTC and how the payment is to be calculated etc., allowed LTC and LLTC payments to 12 employees, though they were not eligible for the same. He allowed LTC and LLTC both in the same year, without sanction of leave for 6 days and 7 days, which is the precondition for payment of LTC and LLTC amount respectively. It is submitted that Petitioner allowed LTC and LLTC to 6 employees and the leave entries 2 were not found in the Leave register and LTC Ledger. Further, in respect of 4 more employees, though, the employees concerned have to avail 7 days leave with pay for LLTC and 6 days leave with pay for LTC as per the stipulated guidelines the Petitioner allowed the LLTC and LTC payments even though they availed less number of days of leave with pay. Though the Petitioner deliberately and intentionally allowed payments, violating the LTC and LLTC rules, his claim that the mistake was not intentionally got no merits and deserves no consideration the Petitioner allowed wrong payment of LTC and LLTC amounts to 12 employees. Though he was working as patient clerk for 3 years, oversight can be in one or 2 cases but not 12 employees and these payments were made violating the LTC and LLTC rules. Further, the Petitioner should have entered their leave availed position in the Leave register and also in the LTC and LLTC record, but he did not do this intentionally. It is submitted that without recording the leave availed position in relevant records and violating the guidelines of LTC and LLTC, the Petitioner allowed payments and still contends that the mistake was oversight and it should not be considered as misconduct. It is submitted that the management representative submitted all the relevant records at the time of inquiry and these recorded evidences clearly established the violations committed by the Petitioner and hence the inquiry officer considered these evidences as valid. The further contentions of the Petitioner that the Petitioner was not given the opportunity of either cross examining the management representative or producing witnesses on his side, and inquiry procedure was not explained and that documents relied were not furnished are all denied. The inquiry officer conducted the inquiry proceedings following

all the principles of natural justice, the inquiry officer explained the inquiry procedure for which the Petitioner got satisfied and affixed his signature on the proceedings, the inquiry officer offered the opportunity to cross examine the management witness, but the Petitioner refused to cross examine management witness and the documents submitted by management witness were shown to the Petitioner. The inquiry officer held the inquiry proceedings following all the principles of natural justice, and hence the contention of the Petitioner, that the inquiry officer proceeded with a preconceived notion, as if the Petitioner is guilty of the charges, is incorrect. It is submitted that the mistakes committed by the Petitioner were brought out by the internal audit department during the verification of records undertaken by them and on the basis of such audit report, the Petitioner was issued charge sheets dated 24.8.1998 and dated 5.5.1999 and inquiry into the charges leveled against the Petitioner was conducted during the course of inquiry. The relevant records were produced by management, witnesses and the Petitioner, who participated in the inquiry on the basis of evidence on record, the inquiry officer submitted his reports as the records clearly established the misconduct committed by the Petitioner and as the Petitioner also admitted his mistake during the course of inquiry, the inquiry officer submitted his report holding the Petitioner guilty of the charges levelled against him under S.Os No. 25.1, but not solely on the basis of internal audit department as alleged by the Petitioner, the violations pointed out by the audit department were mentioned in the charge sheet and hence there is no requirement of furnishing audit report to the Petitioner. The Petitioner did not choose to cross examine the management witness in the inquiry into the charges levelled against the Petitioner vide charge sheet dated 5.5.1999 and it can be concluded that it was the Petitioner who did not doubt the statements of the management witnesses. In fact, the management witness cross examined the Petitioner and during the cross examination, the Petitioner admitted his mistake. As already submitted mistake may take place in one or 2 cases, but the Petitioner committed mistake in respect of 12 candidates and committed the same, violating the stipulated guidelines despite the fact that he was fully aware of the guidelines and hence the mistake was intentional. The charge levelled against the Petitioner was fraud and dishonesty and the contention of the Petitioner that since he was not charged of misappropriation, no further action was taken on the charges levelled in charge sheet dated 5.5.1999 is incorrect and untenable. The Act committed by the Petitioner is misconduct under company standing orders and it is proved in the course of inquiry and on the basis of gravity and seriousness of the misconduct, the Disciplinary Authority imposed penalty and for such action the charge need not be misappropriation. It is submitted that Petitioner had put in 60 Masters only during the year 1999 and remained absent, unauthorizedly on other days in the year. It is submitted that this act of the Petitioner constituted misconduct, mistake under companies standing orders, he was issued charge sheet under standing Orders Clause number 25.25. During the course of inquiry, he himself admitted that he worked for 60 days only and remained absent without leave or sufficient cause. The Petitioner submitted that he suffered from back pain and took treatment in company hospital and Osmania Hospital, Hyderabad. But he could not establish the same with valid documentary evidence except making a statement that he reported sick vide Certificate number 17946 from 21.12.1999 to 3.1.2000. Even if this treated as correct and the period of sickness from 21.12.99 to 3.1.2000 is deleted from absents also the charge for the other days covered in the charge sheet remains established. The contention of the Petitioner is that his statement was not doubted, if the Petitioner was under the impression that his statement was not doubted, he should have represented the same when he was supplied copy of enquiry report and enquiry proceedings, giving them an opportunity to make representations, if any, on the inquiry report. It is submitted that the inquiry officer had explained the inquiry procedure at the commencement of proceedings to the Petitioner. Before closing the inquiry proceedings, the Enquiry Officer specifically had written at Page number 5 of the inquiry process of the inquiry proceedings that "enquiry into the charge sheet under reference is closed as there are no more witnesses for examination. This clearly indicates the fact that the inquiry officer has explained clearly the inquiry procedure to the Petitioner and offered opportunity to him to submit witnesses and documentary evidence on his behalf, but he did not avail the opportunity extended by the inquiry officer. It is submitted that the Petitioner remained absent and the documentary evidence submitted by the management witnesses established this fact and it was for the Petitioner to substantiate his contention of back pain with valid documentary evidence. But the Petitioner failed to do so. When the Petitioner did not submit any documentary evidence in support of ailment the doubting his evidence does not arise, hence the contention of the Petitioner that the alleged absenteeism ought not to have been treated as unauthorized absenteeism without sufficient cause is untenable. Inquiry officer conducted the proceedings following principles of natural justice and on the basis of documentary evidence on record only. He submitted his report. The allegation of the Petitioner that the inquiry officer was predetermined to hold the Petitioner as guilty of the charges is incorrect. The paid pay sheets and H - registers are the apt records to establish the attendance particulars, leave availed loss of pay, leave availed, absents and the days for which salary was paid to the Petitioner. On the basis of these records, only the inquiry officer submitted his report and the Petitioner did not dispute these records at the time of inquiry and now claims that the findings of the inquiry officer are outside the scope of the evidence. It is submitted that the Petitioner pleaded that he was suffering from back pain, but he did not submit any evidence in support of this claim and at the Petitioner claims that his submission should taken as granted for all purposes when the other recorded evidence is establishing the charge levelled clearly. It is submitted that the Petitioner was issued charge sheet dated 24.8.1998, 5.5.1999 on the charge of theft, fraud or dishonesty under S.Os No. 25.1 and charge sheet dated 5.1.2000 was issued on the charge of habitual absenteeism under S.Os.No. 25.25. In all these three charge sheets, inquiry proceedings and also subsequent formalities that is supply of copy of inquiry, report proceedings, etc..could be completed during the year 2000 and hence the contention of the Petitioner that having issued charge

sheets and the Respondent s chose not to proceed further in respect of charge sheets dated 24.8.98 and 5.5.99 is incorrect. Since the conduct of inquiry and other formalities in all the three charge sheets had completed simultaneously, and as the charges levelled in all the three charge sheets, being serious in nature and proved against the Petitioner , the Disciplinary Authority imposed the penalty of dismissal from service. The Disciplinary Authority had gone into the details of the case and also the proceedings and reports in all the charge sheets and having satisfied that this proceedings were conducted by the inquiry officer following principles of natural justice and that the evidences on records produced by the management witnesses established the charges clearly, and the Petitioner failed to establish his innocence of the charges levelled and also did not substantiate his stands with evidences and passed the order of dismissal. The condition of the Petitioner that the regularities occurred due to workload and that absenteeism was due to illness is denied. If the Petitioner was really overburdened, he should have informed his difficulties to the head of the mine and he did not do so at any point of time. He's being a regular and responsible employee should have communicated his inability to attend to his duties, to the head of the mine and should have got leave sanctioned or loss of pay leave. He was holding the post of a clerk and maintains the leaves, pay bills, etc..of the Workman and he was well aware of the procedures to be followed, yet he did not follow any of these procedures and claims that his submissions were not considered and his illness should have been taken into account on the basis of his statement alone, without being supported by documentary evidence. Since the charges in all the 3 charge sheets were proved and as they being serious in nature, the Respondent No.1 found no extenuating circumstances in awarding lesser punishment while issuing the punishment order dated 16.11.2000 and hence the punishment of dismissal is the suitable and appropriate punishment. The charges levelled and proved are serious in nature and the intention of the Petitioner was not conducive to the interests of workmen and also to that of Respondent component and hence the punishment of dismissal is suitable and appropriate punishment. If the Petitioner is the sole breadwinner of his family, he should have discharged his duties with commitment and without any deviation of laid down guidelines. In view of the above, it is sprayed to dismiss the claim petition as devoid of merits.

4. In view of the memo filed by the counsel for Petitioner not to challenge the legality of domestic enquiry, it is held legal and valid vide order dated 6.3.2009.

5. Heard the arguments. Perused the record.

6. **On the basis of rival pleadings of the both the parties, following issues emerge for determination in the present matter:-**

- I. Whether the departmental enquiry held against the Petitioner by the Respondent is legal and valid.
- II. Whether the action of the Respondent in terminating the Petitioner from service vide order No.E.10/4201/IR/2952 dated 16.11.2000 is legal and justified?
- III. Whether the punishment imposed on the Petitioner is disproportionate to the charges levelled against the him?
- IV. To what relief the Petitioner is entitled for?

Findings:-

7. **Point No.I:-** The validity of domestic enquiry vide order dated 6.3.2009 has been held legal and valid. Therefore, Point No.I is decided accordingly.

8. **Points No. II & III:-** The Petitioner claims that he was working as a clerk in the first Respondent office since 1982. On 24.8.98 charge sheet was issued to him alleging that he has committed certain irregularities for which Petitioner submitted his explanation. Being satisfied with the explanation, no action was initiated against him. Thereafter, charge sheet dated 5.5.99 was issued alleging that some irregularities were found by Internal Audit Department during their verification of LTC and LLTC pay sheets for the period 1995 to 1998. On receipt of the said charge sheet Petitioner submitted his explanation to the charges. But without considering the explanation submitted by the Petitioner an enquiry was conducted wherein Petitioner was not given any opportunity, much less valid in nature. It was the allegation against the Petitioner that he prepared pay sheets of coal fillers and committed some irregularities in the pay sheets intentionally. But the Petitioner claims that there was no intentional lapse on the part of the Petitioner and mistake occurred owing to work pressure. Further, it is submitted that, there was no misappropriation or mis-utilization of the funds. The charge levelled against the Petitioner was that while preparing the LTC and LLTC pay sheets, Petitioner did not observe the availability of leave eligibility for the 12 workers but there was only purely procedural mistake. Petitioner categorically pleaded during the enquiry that the mistake occurred due to oversight but not intentional, and also explained that in most of the cases there was no mistaken payment. Without verifying the records properly, the charge sheet was issued to him. The enquiry officer did not consider the submission made by the Petitioner in proper prospective and the defence of the Petitioner was completely ignored on the pretext of "It is a lame excuse" and that there is no contra evidence on record to ignore the submissions put forth by the Petitioner and no other witness was examined by the Enquiry officer except the Management representative and the Petitioner, whereas the Management Representative cannot be treated as a

witness. The Enquiry Officer has exclusively relied upon the report of the internal audit and held charges were treated as proved. But no such report was either furnished to the Petitioner either before or during the course of the enquiry, nor the same was marked during the course of inquiry. The deposition of the Petitioner was neither doubted nor contradicted during the course of the enquiry.

9. Further Petitioner submits that another charge sheet dated 5.1.2000 was issued alleging habitual absenteeism from April 1999 to December, 1999 and enquiry was conducted during the enquiry Petitioner categorically pleaded that he was suffering with back pain and he has taken treatment in company's hospital and also in private hospital and as a result he could work for 60 days during the year 1999 and when the statement of the Petitioner was not doubted, it should be treated as if such a statement was accepted by the management. The enquiry officer should explain to the delinquent employee about the opportunity to lead evidence on his behalf and permit the delinquent employee to examine witnesses on his behalf. But in the instant case, no such opportunity was given to the Petitioner. As a result of the improper conduct of inquiry Petitioner was greatly prejudiced, resulting in issuance of order of dismissal from service. Further, it is contended that had the enquiry officer explained the procedure of enquiry, permitted the Petitioner to cross examine the management witnesses, permitted the Petitioner to lead evidence, Petitioner could have participated in the inquiry more effectively and the necessity of issuance of the impugned order of dismissal could not have been arisen. The inquiry officer while preparing his report, has not considered any of the submissions made by the Petitioner. When the Petitioner's evidence was not doubted, the absenteeism alleged ought not to have been treated as unauthorised absenteeism without sufficient cause. The way the Enquiry officer appraised the evidence shows that he was pre-determined to hold the Petitioner as guilty of the charges. The finding of the enquiry officer that the Petitioner was absent frequently is outside the scope of evidence on record.

10. Further, Petitioner submitted that consequent upon the conclusion of enquiry conducted in pursuance of charge sheet dated 5.1.2000, the proceedings pertains to the earlier charge sheets dated 24.8.1988, 5.5.99 were once again revived *Suo motto* and by referring all the three charge sheets dated 24.8.98, 5.5.99 and 5.1.2000. The Petitioner was dismissed from service vide office order dated 16.11.2000. It is further contended that having issued the charge sheet the Respondent has chosen not to proceed further in pursuance of charge sheets dated 24.8.1988, 5.5.99, but while dealing with charge sheet dated 5.1.2000, the earlier charge sheets cannot be revived and basing on all those charge sheets Petitioner cannot be dismissed from service. Therefore, the Disciplinary Authority has not considered the evidence on record independently and simply relying upon the report of the Enquiry Officer a cryptic and unreasoned order was passed, holding charges against the Petitioner are proved as and Petitioner was dismissed from service, such an action on the part of the Disciplinary Authority is wholly unjustifiable.

11. On the other hand, Respondent contended that the Petitioner was issued charge sheets dated 24.8.1988 and 5.5.99 on the charge of theft, fraud and dishonesty under Standing Orders No.25.1 and the charge sheet dated 5.1.2000 was issued on the charge of habitual absenteeism, under Standing Orders No.25.25. In all these three charge sheets enquiry proceedings also conducted and also subsequent formalities, i.e., supply of copy of enquiry report, enquiry proceedings etc.. Since the aforesaid proceeding could be completed during the year 2000 and hence the contention of the Petitioner that having issued charge sheets the Respondent choose not to proceed further in respect of charge sheets dated 24.8.1988, 5.5.99 is incorrect. Further, Respondent contended that since the enquiry proceedings and all the formalities in all the three charge sheets had completed simultaneously and as the charges levelled against in all the three charge sheets being serious in nature and proved against the Petitioner, the Disciplinary Authority imposed the penalty of dismissal from service. Further, it is contended that disciplinary authority had gone into the details of the case and also the proceedings and reports in all the charge sheets and having satisfied with the proceedings conducted by the Enquiry Officer following the principles of natural justice and that the evidence on records produced by the management witnesses established the charges clearly and Petitioner failed to establish his innocence of the charges levelled and also did not substantiate his stands with evidences and passed the order of dismissal. The contention of the Petitioner that the Respondent No.1 did not consider the evidence on record independently and simply relied on the reports of the Enquiry Officer is denied.

12. In view of the submissions made by both the parties, perused the record pertaining to the enquiry proceedings. The record goes to reveal that the Petitioner was served with charge sheet dated 24.8.98 for the violation of the Standing orders No.25.1 for committing misconduct and it was alleged that while he was posted as a clerk, he paid the wages to the tune of Rs.15,245.22 ps. to the workers even though they did not have any 'IN' and 'OUT' musters in the 'C' register and he also paid underground allowance to a tune of Rs.870.34 ps to the workers even though they are on special leave. In respect of the said charge, enquiry proceeding was initiated by enquiry officer and witnesses were examined i.e., S/Sri .M. Mallikarjuna Rao and D. Anand Kumar who have proved charges levelled against Petitioner. The cross examination opportunity was extended to the Petitioner, but nothing could be elicited to discredit or disbelieve the testimony of the Management witness. Furthermore, Petitioner Sri D. Raj Kumar, Clerk has also examined himself as witness in defence. Petitioner Sri D. Raj Kumar, in cross examination on behalf of the management, in reply to the question No.5 admitted that he had paid wages to 17 workmen. The delinquent Petitioner denied to produce any other witness or documents. The enquiry was concluded and Enquiry Officer after considering the documentary as well as oral evidence, has recorded reasoned enquiry report thereby

holding Petitioner guilty of the charges levelled against him. Further, enquiry report, was served upon the Petitioner vide acknowledgement paper No.21.

13. In the matter of the charge sheet dated 5.5.99 it was served upon the Petitioner for the misconduct committed by him under the company's Standing Orders No.25.1 on the basis of Internal Audit report that the irregularities were found in the LTC/LLTC pay sheets of workman for the period 1995 to 1998 and also in other relevant records, while he was posted as a Pay Sheet clerk. The chargesheet served was got received by the delinquent. The management in enquiry proceeding examined witnesses who proved the facts that the Petitioner, while he was posted as Pay Sheet Clerk, has committed the irregularities in regard to the payment of LTC/LLTC to the Workmen. The documentary as well as oral evidence was adduced by the Management in support of the charge levelled against the Petitioner. Petitioner was extended opportunity of cross examination of witnesses and he also examined himself in defence. In his cross examination, Petitioner admitted that he has committed mistake misconduct in preparation of the pay sheet for payment of LTC and LLTC to the Workmen, who are not eligible and also admitted that he has not entered the leave availability position in the connected registers. He admitted that it was his mistake which was committed due to our sight. Therefore, in this matter also he was held guilty of committing misconduct under Standing Orders No. 25.1.

14. Further, the Charge sheet dated 5.1.2000 was served upon the Petitioner for violation of Company Standing Orders No.25.25 which pertains to the habitual late attendance or habitual absence from duty on various dates. It was alleged in the charge sheet against the Petitioner that he has put in only 60 attendance musters during the year 1999. In the said enquiry, charge sheet was served and same was acknowledged by him. The charges and enquiry procedure were explained to him and reasonable opportunity of hearing was accorded by following principles of natural justice. During the enquiry proceeding, Petitioner admitted the fact that he had worked only 60 days in the year 1999 and remained absent from duty without sufficient leave and without sufficient cause. But he did not produce any documentary evidence of justifiable reason as he pleaded for his unauthorised absence from duty. After conclusion of enquiry proceeding he was held guilty of the of committing misconduct under clause 25.25. Furthermore, the enquiry proceeding goes to reveal that the copy of the report of the Enquiry Officer in all the three cases was served upon the delinquent employee and the same was acknowledged by him. After considering all three afore mentioned reports of the Enquiry Officers and examining the evidence collected during the enquiry proceedings as well as explanation submitted by the Petitioner in all three cases the Disciplinary Authority passed the order dated 16.4.2000.

15. As regards to first charge sheet Petitioner did not submit any explanation, but regarding other two charge sheets, he had filed his explanation. Disciplinary Authority on the basis of enquiry report and considering material on record which can not be faulted with passed reasoned order. That the charges levelled and proved against the Petitioner being grave and serious, the punishment warranted is that dismissal. The Disciplinary Authority vide order dated 16.4.2000 also mentioned that the Authority has gone through past record of the Petitioner and found there were no extenuating circumstances to take a lenient view in the matter. Thus, the order of dismissal of the Petitioner from the company service was passed by the Disciplinary Authority.

16. In view of the fore gone discussion, it can be safely concluded that no fault of any nature is found in the all three Disciplinary proceedings i.e., Departmental enquiry against Petitioner for one or more reasons. The Petitioner was afforded fair opportunity of hearing at every stage of the proceeding which he availed and he failed to justify his alleged misconduct upon Company Standing Orders No.25.25 & 25.1. The Petitioner failed to prove and establish that domestic enquiry suffers from any procedural lapse or conducted in violation of the principles of natural justice which prejudiced the Petitioner. Once it is held, that domestic enquiry was held legal and proper, the next question is for consideration in this matter that whether the punishment imposed upon the Petitioner, is just and legal or it is disproportionate to the gravity of the charges. It is undisputed fact that all the charges alleged and levelled against Petitioner vide charge sheets dated 24.8.98, 5.5.99 and 5.1.2000 held proved in domestic enquiry and the Petitioner was found guilty of committing misconduct under the Company's Standing Orders No.25.1, 25.1 and 25.25 respectively. The repeated misconduct committed by Petitioner reflects that he is habitual of committing misconducts again and again. The charges levelled against the Petitioner vide charge sheets dated 24.8.98 and 5.5.99 pertains to the financial matters of the Company which are of grave and serious nature, whereas in respect of charges of misconduct under clause 25.25 of the Company Standing Order of unauthorized absenteeism from the duty during the year 1999, he could not furnish any justifiable and sufficient explanation.

17. Thus, in view of the above, I am of the considered view that all the three charges being serious in nature as the Petitioner was habitual in committing misconduct. The order of dismissal from service of the Petitioner passed by the Disciplinary Authority, cannot be faulted with nor it can be said to be disproportionate to the charges levelled against him. In other words, punishment of dismissal of the Petitioner from service was proportionate to the gravity of charges and hence deserves to be upheld.

Thus, Points No. I & II are answered accordingly.

18. **Point No.IV** :- In view of the finding given in Points No. I & II, the Petitioner is not entitled for any relief as prayed for and Petition is liable to be dismissed.

Thus, this Point is answered accordingly.

AWARD

In view of the fore gone discussion, and finding arrived at Points I to IV, I am of the considered view that dismissal order dated 16.4.2000 passed against the Petitioner Sri D. Raj Kumar, Clerk by the Respondent is proportionate to the charges and the petition of the Petitioner is liable to be dismissed as devoid of merits. As such, the Petition is dismissed as devoid of merits.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 4th day of December, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 जनवरी, 2024

का.आ. 179.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय हैदराबाद**, के पंचाट (संदर्भ संख्या **86/2012**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **21/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/154/2012,आई. आर. (सीएम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 30th January, 2024

S.O. 179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 86/2012**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd** and their workmen, received by the Central Government on **21/01/2024**.

[No. L-22012/154/2012 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 20th day of October, 2023

INDUSTRIAL DISPUTE No. 86/2012

Between:

The Dy. General Secretary,

(Shri Peddapalli Satyanarayana)

Singareni Collieries Labour Union (TNTUC)

Qr.No.MD-7/J, Millennium Colony,

Ganganagar, Godavarikhani,

Karimnagar Dist., A.P.-505209.

..... Petitioner

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Ramagundam – I Area,

Godavarikhani,

Karimnagar Dist.,

Andhra Pradesh – 505 209.

.... Respondent

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L- 22012/ 154/2012-IR(CM.II) dated 16.11.2012 referred the following dispute under section 10 (1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the Chief General Manager M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavarikhani in awarding punishment of reduction of 2 SPRAs with cumulative effect vide order No.RG.I/Per/S/46/4215, dated 21.7.2011 in respect of Shri Bandari Shankar, Coal Filler, GDK-I & 2 Inc., is justified or not? To what relief the employee in question is entitled for?”

The reference is numbered in this Tribunal as I.D. No. 86/2012 and notices were issued to the parties concerned.

2. The averments made in the claim statement are as follows:

It is submitted that, Sri Bandari Shanker (EC No.0905828), Coal Filler, GDK-I Incline, Singareni Collieries Company Limited, RG-I Area, Godavarikhani, Karimnagar District is a member of our Union. It is to submit that the concerned workman was issued with a charge sheet dt.28-07-2005 under Company's Standing Order No.25 (1) & 25 (10) (a) alleging that one Sri K.Srinivas obtained employment claiming himself as son-in-law of late Sri Uppuleti Mondli, Ex-Coal Filler, GDK-3 Incline and that the concerned workman signed as one of the witnesses on the application submitted by the widow of Late Uppuleti Mondli. On receipt of the above charge sheet, the workman has submitted his explanation denying the charge. However, without considering the submissions made by the concerned workman, an enquiry was conducted, wherein he was not given any opportunity much less valid in nature. The whole enquiry was conducted with a preconceived notion that the concerned workman is guilty of charges. In this regard, it is submitted that, Sri Uppuleti Mondli, who was working as Coal Filler at GDK-3 Incline expired while in service. As such, his widow Smt. Uppuleti Gangamma submitted an application, requesting to appoint her son-in-law Sri K.Srinivas under dependent employment quota. The application submitted by Smt Uppuleti Gangamma was countersigned by the concerned workman and also one Sri A.Rayalingu as witness. Consequently, an Enquiry Committee conducted a thorough enquiry with regard to the authenticity of claim of Sri K.Srinivas as son-in-law and after satisfying with his status, he was given dependent employment. It is submitted that, it is a known fact that neither the concerned workman nor his assistant were aware of procedure of enquiry, however, the procedure of enquiry was not explained by the enquiry officer before commencement of enquiry. Though the Presenting Officer relied upon several documents to substantiate the charge, none of those documents were either shown or furnished either before or during the course of enquiry. Had the procedure of enquiry was explained, the concerned workman

and his assistant, could have understood the procedure of enquiry and ought to have participated in the enquiry effectively. As a result of not explaining the procedure of enquiry and not furnishing the documents relied on by the PO, the concerned workman was put to great prejudice. Simply relying on the documents relied on by the Presenting Officer and deposition of Presenting Officer by recording the statement of the concerned workman, Enquiry Officer concluded the enquiry. No witness was examined by the Presenting Officer, on his behalf. Basing on such lopsided enquiry, the enquiry officer held the charges as proved and basing on such perverse findings of the enquiry officer, a show cause notice dt. 13-06-2006 was issued. On receipt of the same, the workman submitted his reply dt. 21.6.2006. However, without considering any of the submissions made by the workman, vide office order dt. 21-07-2011, he was imposed with a penalty of stoppage of SPRAs with cumulative effect. Aggrieved by the above, a conciliation was moved which ended in failure, resulting in the present reference. It is submitted that, as per the circular issued by the management of SCCL, the proceedings of enquiry are to be conducted in the language known to the delinquent employee. In the instant case, it is a known fact that the workman was not aware of English language. Despite, the statement of the management representative was recorded in English and signatures of the concerned workman were obtained. When he was asked to cross-examine, the workman stated that he feels the statement of the management representative is not correct. The workman also stated that the documentary evidence produced by the management representative in the enquiry are not true. It is further submitted that enquiry officer wholly relied upon the documents collected and report submitted by the vigilance department, but neither those documents were proved in the enquiry nor any witness was examined on behalf of the vigilance department. It is submitted that, during the course of enquiry, except the evidence of Presenting Officer, no other witnesses were examined. It is submitted that the Presenting Officer cannot be treated as a witness, as he has no personal knowledge about the events. The events narrated by the Presenting Officer and the documents filed by him should be supported by the relevant witnesses. However, in the instant case, after the evidence of Presenting Officer evidence of the management was closed and defence evidence was recorded. During the course of defence evidence, the concerned workman categorically deposed that he personally knew the daughter and widow of the deceased employee i.e. U. Mondli and consequent upon his unfortunate death, he attended the 10th day ceremony during which time, the widow of the deceased employee Smt. Gangamma has introduced her son-in-law i.e. the husband of her daughter Smt. Swapna. In addition, she has shown the photos, marriage certificates of her daughter and son-in-law and thereafter basing on her request, he has signed the application submitted by the widow of the deceased employee i.e. Smt. Gangamma as witness. It is submitted that evidence of the concerned workman remained un rebutted. Unfortunately, ignoring such un rebutted evidence, the enquiry officer came to a perverse conclusion holding the charge as proved basing on the documents obtained during the course of preliminary enquiry. It is submitted that, once regular departmental enquiry is conducted, it is not open for the enquiry officer to rely upon the statements or documents obtained during the course of preliminary enquiry. It is submitted that the enquiry officer held the charges as proved basing on MEx.1,2, 4 to MEx.22 and MEx 24. It is not known how the above documents were marked as management exhibits, as no witness was examined. Without examining the relevant witnesses, the enquiry officer ought not to have marked those documents. The above procedure adopted by the enquiry officer is wholly unjustifiable and untenable. The findings of the enquiry officer are not based on any valid evidence on record. To arrive at his finding holding the charge as proved, the enquiry officer also relied upon exhibit MEx.12 i.e. affidavit of Smt. Gangamma dated 15-6-97 allegedly obtained by the vigilance authorities. In the instant case, neither Smt. Gangamma nor the vigilance authorities were examined during the course of enquiry giving opportunity of cross-examination, but reliance was made on MEx.12 to hold the charge as proved, which is untenable. It is further submitted that, enquiry officer further relied upon MEx.4,5, 17 and 18 to hold that the age of wife of Smt. K. Srinivas was not 23 years as on 25.3.2000. However, neither Sri K. Srinivas, his wife nor any witnesses connected to those MEx 4,15 and 17 were examined. Further, it is not known how and at whose instance MEx 13 and 14 were obtained to hold that there is a difference between two persons and it is not known in what way the said difference is connected to the present case. It is also not known the details of MEx 19 and 20 which were relied on by the Enquiry Officer, to hold that Sri Srinivas furnished a false and fabricated information to the Government of AP and to the management of Singareni Collieries Company Limited to get employment. It is submitted that, while arriving at his findings, enquiry officer held the contents of para (a) to (f) as established facts, but it is not known how, they were treated as established, as no witness has marked those documents and no valid witness has deposed the above issues, as incorporated in para (a) to (f) of findings of Enquiry Officer. Be that as it may, those issues are not part of the charge sheet alleged against the concerned workman. Even otherwise also, wholly relying on the version of Presiding Officer, Enquiry Officer arrived at his findings, ignoring the deposition of the concerned workman. All the documents relied on by the Presenting Officer were obtained behind the back of the concerned workman, by the vigilance department. But neither the vigilance authority nor any of the relevant persons who were connected with those documents were examined in the enquiry, to prove those documents. Therefore, the above findings of the enquiry officer are liable to be treated as perverse in nature. Further, it is to submit that, the contention of the enquiry officer that the concerned workman dishonestly misguided the management, in connection with the dependent employment application case of Smt. U. Gangamma is concerned, the said finding was not established during the course of enquiry. Therefore, the findings of the enquiry officer is liable to be treated as perverse in nature. It is submitted that consequent upon the supply of enquiry report of enquiry officer, the concerned workman has submitted his reply categorically pleading all the factual aspects. However, the disciplinary authority has not considered the application made by the concerned workman before issuing the

impugned office order dated 20/21-7-2011 through which penalty of stoppage of SPRAS with cumulative effect was imposed. It is submitted that, the impugned order does not give any reason, much less valid in nature. Therefore, the impugned order is liable to be set aside on this ground alone. At the cost of reiteration it is to submit that the workman has not committed any misconduct, as alleged in the charge sheet. Therefore, imposing of penalty of stoppage of two SPRAs with cumulative effect is wholly unjustifiable and the same are liable to be restored back duly granting all other consequential benefits. It is therefore prayed to set-aside the office order No.RGI/Per/S/46/4215 dated 20/21-7-2011 issued by the Chief General Manager, RG1 Area, SCCL, Godavarikhani.

3. **Respondent filed counter denying the averments of the Petitioner as under:**

It is submitted that the present petition has been filed by the Dy. General Secretary, Singareni Collieries Labour Union (TNTUC) to direct the respondent to set aside the Office Order No. GI/Per/S/46/4215, dated 20/21.07.2011 issued by the Chief General Manager, RG.1 Area, The SCCL, Godavarikhani in respect of Sri Bandari Shanker, Coal Filler. It is to submit that the workman Sri Bandari Shanker, E.C.No.0905828, Coal filler, was imposed the punishment of Stoppage of two SPRAS with cumulative effect on proved charges after conducting detailed domestic enquiry duly following the principles of natural justice. It is prayed that this Hon'ble Tribunal may be pleased to decide the validity of domestic enquiry as a preliminary issue. In this regard, it is submitted that to permit the respondent to produce the evidence in case it is held that the domestic enquiry is not valid. It is submitted that Sri Bhandari Shanker, was initially appointed as Badli filler on 04.09.1983, and later he was promoted as Coal filler with effect from 11.05.1988. While he was working at Gdk.No.3 Incline RGI Area he was issued with a charge sheet vide Lr.No.RG1/GDK.3/R 008/1653, dated 28.07.2005 under Company's Standing Orders No. 25.(1), and 25.(10) for the misconduct committed by him which reads as follows:

25.(1): Theft, fraud or dishonesty in connection with the Employer's business or property.

25.(10): Impersonation.

It is to submit that the workman has given a false written statement, and deposed as one of the witness in the dependent employment enquiry claiming fraudulently and dishonestly that Sri Koraveni Srinivas was the genuine Son-in-law of Late Sri Uppuleti Mondi, Ex-Coal Filler of Gdk.No.3 Incline who died while in service, and requested to provide dependent employment to the fake Son-in-law of Sri Koraveni Srinivas, in consideration of the application submitted by Smt. Uppuleti Gangamma, W/o Late Uppuleti Mondi. Further, the delinquent workman deposed that the marriage of Kumari Swapna D/o Late Uppuleti Mondi with Koraveni Srinivas S/o Chantaiah was duly performed, and that he will be held responsible, if Sri Koraveni Srinivas is found to be a fake Son-in-law of the deceased workman. Based on his written statement and his deposition and one another Co-Workman, Sri Koraveni Srinivas was provided dependent employment in the Company as Badli filler Vide office order No.P.RG.I/5/7029, dated 22.11.1999 and posted to work at RK-1A Incline, SRP Area, which later found to be a fake case and the claim that Sri Koraveni Srinivas was a true Son-in-law of Late Uppuleti Mondi was totally false. It is to submit that the concerned workman has given his explanation dated 10.08.2005 to the charge sheet in English, which was been examined and found to be not satisfactory. Therefore, an enquiry was ordered to bring out the facts of the matter and to give the delinquent workman an opportunity to defend his case. The Petitioner attended Enquiry which was commenced on 09.12.2005 and concluded on 06.03.2006, in consonance with the principles of natural justice. The workman attended and fully participated in the enquiry. At the outset the Enquiry Officer explained the enquiry procedure in Telugu to the delinquent workman, and he has availed the services of a Co-worker as defense assistant in the enquiry. The workman has expressed no objection for recording the enquiry proceedings in English, as the enquiry proceedings were actually held in Telugu language, and once again explained in Telugu by the Enquiry Officer at every stage of the enquiry before taking the signatures. The Presenting Officer deposed his evidence in the presence of the delinquent workmen, which was duly recorded by the Enquiry Officer and explained in Telugu to him. Further, the documentary evidence was produced by the management in the presence of the workman to substantiate the charges levelled against him in the enquiry. The charge sheeted workman did not cross examine the management witness when the opportunity was afforded to him. The charge sheeted workman did not produce any substantive evidence or witness, to prove his innocence to the charges leveled against him in the enquiry. The inquiry Officer after appreciating and analyzing each evidence adduced in the enquiry held that the charges levelled against the workman were duly proved against him under Company's Standing Order No. 25(1), and not under 25(10). The workman was supplied with all the documents including enquiry proceedings and enquiry report vide Show Cause notice No.RG.I/Per/S/46/3721, dated 13.06.2006 giving him 7 days time to represent, if any, against the findings of the enquiry report, the charge sheeted workman acknowledged the said notice and submitted his representation dated 21.06.2006 in English, which was been examined and as there were no merits to consider in his representation, the Disciplinary Authority after going through the entire enquiry proceedings and after evaluating all the evidence on record concurred with the findings of the enquiry officer, and as the charges framed and proved in the enquiry were grave and serious in nature warranting punishment with that of dismissal, the management has taken a lenient view to give an opportunity to the delinquent workman to redeem himself, passed the impugned order No.RG.I/PER/S/46/4215, 21.07.2011 imposing the penalty of 'Stoppage of Two SPRAs with cumulative effect. In accordance with Clause 29 of Company's Standing Orders, a workman has a right of Appeal to the Appellate

Authority within 45 days on receipt of the order of the punishment. The delinquent workman did not avail the opportunity of submitting an Appeal to the Appellate Authority. Therefore the allegation that the whole enquiry was conducted with a preconceived notion, as if the concerned workman is guilty of charges is wholly baseless and devoid of any truth, is denied. It is to submit that the Company has a dependent employment scheme, to provide compassionate appointment to the dependents of the Ex-workmen as per the guidelines, to help tide away the hard times of the family members on the loss of the bread winner. While it is so, Sri Uppuleti Mondi expired while in service as Coal filler at Gdk.No.3 Incline and Smt Uppuleti Gangamma wife of the deceased workman submitted an application under dependent employment scheme of the Company, to provide dependent employment to her alleged Son-in-law Sri Koraveni Srinivas S/o Chantaiah, who alleged to have married her first daughter Kumari Swapna. While processing the claim of dependent employment the role of the witnesses who are Co-workman of the deceased, plays a vital role to ascertain the genuineness of the claim. Sri Bandari Shanker, Coal Filler Gdk.No.3. Incline along with another, Sri Angajala Rayalingu has given a false written statement, and deposed as witnesses before the Dependent Employment inquiry Committee claiming fraudulently and dishonestly that Sri Koraveni Srinivas was the genuine Son-in-law of Late Sri Uppuleti Mondi, Ex-Coal Filler of Gdk.No.3 Incline who died while in service, suppressing the true facts of the case and requested to provide dependent employment to Sri Koraveni Srinivas in consideration of the application submitted by Smt.Uppuleti Gangamma, W/o Late Uppuleti Mondi. Further, the delinquent workman deposed that the marriage of Kumari Swapna D/o Late Uppuleti Mondi with Koraveni Srinivas S/o Chantaiah was duly performed, and that he will be held responsible, if Sri Koraveni Srinivas is found to be a fake Son-in-law of the deceased workman at any time. Based on his written statement and his deposition and one another Sri Koraveni Srinivas was provided dependent employment in the Company as Badli filler Vide Office Order No.P.RG.1/5/7029, dated 22.11.1999 and posted to work at RK-1A Incline, SRP Area, which was later found to be false and a fake Son in-law case. As such, the allegation that the Enquiry Committee after thorough enquiry has given dependent employment is bereft of any truth or substance. In fact, the delinquent workman has deliberately misled the Enquiry Committee, in believing that Sri Koraveni Srinivas was a genuine Son-in-law of Late Sri Uppuleti Mondi, by his fraudulent and dishonest statement and deposition before them, which however was subsequently proved to be false, thereby the very object of the aforesaid dependent employment scheme was defeated. At the outset the Enquiry Officer explained the enquiry procedure in Telugu to the delinquent workman. Further, the workman has expressed no objection for recording the enquiry proceedings in English. However, after the deposition of the Presenting Officer the entire enquiry proceedings were recorded in Telugu, and once again explained in Telugu by the Enquiry Officer, at every stage of the enquiry. The Presenting Officer deposed his evidence in the presence of the delinquent workmen, which was duly recorded by the Enquiry Officer and explained in Telugu to him. Further, the Presenting Officer while producing the documentary evidence explained the contents of each document so produced, in the presence of the workman and his defense assistant, to substantiate the charges levelled against him in the enquiry. It is to submit that the Presenting Officer has submitted the documentary evidence in the presence of the workman, explaining the nature and the contents of each document in the enquiry. The Enquiry Officer while examining and extending the opportunity for inspection of the documents to the charge sheeted workman and his defense assistant, explained the contents of each documents in Telugu for the benefit of the workman. As the documentary evidence were authentic and relevant to the case, the Enquiry Officer admitted the documents so produced in the enquiry as management evidence, and provided the copies of the document to the workman. While it is so, the Petitioner has stated in the petition at Para.No.5 that the concerned workman categorically deposed that he personally knew the daughter and widow of the deceased employee, late Sri U.Mondi, whereas in domestic enquiry the workman in his reply to the Question No.20 in cross examination, admitted that the bride shown in the marriage photo and the computer image of the real Kumari Swapna daughter of the deceased workman are not one and the same. Therefore, having known the daughter Kumari Swapna of the deceased workman, and having fully aware of the fact that the wife of Sri Koraveni Srinivas is not Kumari Swapna, the concerned workman misled and misguided the management by giving the false written statement, and deposing dishonestly before the dependent employment enquiry committee, that the marriage between Kumari Swapna and Sri Koraveni Srinivas was performed, and that Sri Koraveni Srinivas is a genuine Son-in-law of late Sri Uppuleti Mondi and requested to provide dependent employment to him. As such, the allegations of the Petitioner that no witness were examined and his evidence remained un rebutted, and that based on the marriage certificate and photos shown by Smt U.Gangamma he has signed as witness is not correct, hence denied, The workman cannot absolve himself of his responsibility as a primary witness in the dependent employment claim of Smt U.Gangamma pretending ignorance, the concerned workman should have thoroughly enquired and verified the facts, before accepting his responsibility as witness. It is to submit that all the documentary evidence produced by the Presenting Officer, was examined by the inquiry Officer in the presence of the charge sheeted workman, and was admitted as management evidence only after finding the documents authentic and relevant to bring out the facts of the case. The Enquiry Officer while analyzing and appreciating the evidence did not take into consideration the documents marked as M.Ex.3 and M.Ex.23 as the deponents of the said statements were not produced in the enquiry. The documents marked as MEx. 1, MEx.6, MEx.12, MEx.14, MEx. 19, MEx.29 were taken into consideration, as it was submitted by Smt. U.Gangamma W/o Late U.Mondi in support of her claim for dependent employment to Sri K.Srinivas, which was officially recorded in the Company records. The documents marked as MEx.2, MEx.7, MEx.8, MEx.9, MEx.10, MEx.11, MEx. 15, MEx. 16, MEx. 17, MEx.18 and MEx.24 were considered by the Enquiry Officer as those are copies of the Official

documents of the Company. The documents marked as Mx.4, MEx.5 were considered by the Enquiry Officer, as it was issued by the Competent Authorities of the Government Schools. The documents marked MEx.21, and MEx.22 were considered, as these are written statements of the delinquent workman himself. Lastly, the Enquiry Officer has taken into consideration the MEx.13 obtained by the Vigilance Department after he has examined and convinced of its authenticity of the document. The above said documents clearly disclose the nexus between the claimant Smt.U.Gangamma and the delinquent workman as a witness, by misrepresenting the facts, submitting fabricated documents with dishonest and malafide intentions, and falsely claiming Sri Koraveni Srinivas as Son-in-law of Late U.Mondi, for dependent employment in the Company. As such, the allegation of the Petitioner that without examining the witnesses the enquiry officer ought not to have marked those documents is without any substance or logic, hence denied. It is to submit that the Enquiry Officer has given his findings justifying his conclusions with reasons, that the charge under Company's Standing Order No.25.(1) was proved. The document marked as M Ex. 12 is an Affidavit dated 15.06.1997, submitted by Smt. Uppuleti Gangamma wife of the deceased workman for dependent employment, stating that the age of her daughter Kumari Swapna was wrongly shown less in the Company records, and that Sri Koravcni Srinivas is her Son -in-law, was not obtained by the Vigilance department as alleged by the Petitioner. Therefore, it is clear that the Enquiry Officer has not based his findings on this document alone, but based on the facts derived from the sum total of all the relevant and authentic documents produced in the enquiry. It is to submit that the Presenting Officer has submitted all the documentary evidence in the presence of the workman and his defense assistant, which was examined and explained in Telugu to the delinquent workman by the Enquiry Officer. The workman was given an opportunity to inspect and verify the documents, and the copy of the documents was given to him. The document marked as MEx.4 is a Statement of Scholarship Payments dated 29.01.2002 to Physically Handicapped Children(PIC) signed by the Head Master, ZPSS, Velgatoor, in which the name of U.Swapna is shown as 6th class student with sanctioned amount of Rs.500/- and received by mother Gangamma. The document MEx.5 is a Transfer Certificate No.69849 with Admission No.445 of Uppulati Swapna issued by the Head Master, ZPSS Velgatoor, Karimnagar District, in which the date of birth of U. Swapna was incorporated as 18.12.1990 and that her admission in the school was on 12.06.2003 in 6th h class. The age of Uppuleti Swapna incorporated in her School records, tallied with the Company's records of late Uppuleti Mondi in his Family Medical Attendance Book (MIEx.9), Coal Mines Pension Form(Mix.11), and CMPF Schedule 'C' in which the status of Swapna was given as unmarried (MEx.10), and hospital Book issue Register(MEx.8) as 8 years as on 1996. This clearly established that the marriage of U.Swapna a handicapped child with polio was not solemnized with Sri Koraveni Srinivas on 09.05.1997. Further, the document marked MEx.15 is a Office Order dated 22.11.1999 appointing Sri Koraveni Srinivas as Badli filler in the Company, as dependent Son-in-law of late Uppuleti Mondi. The document marked 17, is Coal Mines Pension Form.PS-3 of Sri Koraveni Srinivas with particulars of his family members, in which the age of Swapna (wife) was incorporated as 23 years as on 25.03.2000 and the age of Lalitha (Daughter) as 3 years, which clearly established the fact that Swapna D/o Late U.Mondi is not the real wife of Sri K.Srinivas. The document marked as MEx. 13 is a print of Computer Image of real Kumari U.Swapna and the document marked MEx.14 is a marriage photo of Bride and Bridegroom i.e. Sri Koraveni Srinivas and his wife. It is pertinent to mention here that the delinquent workman himself in reply to the Question No.20, admitted that the bride i.e.,real wife of Sri Koraveni Srinivas in the marriage photo (MEx14) and Computer Image of real Uppuleti Swapna i.e. daughter of late U.Mondi, are not of the same person, thereby established the fact that it is a fake Son-in-law case and the delinquent workman as a witness has dishonestly given false statement to the Management. The document marked as MEx.19 is a Certificate of marriage of Sri K.Srinivas and U.Swapna fraudulently obtained by furnishing fabricated information, and the document marked as MEx.20 is a copy of Form 'B' marriage register obtained by giving false information to the Government of AP, and produced the same to the Company, misrepresenting and illegally claiming dependent employment to Sri K.Srinivas as Son-in-law of late U.Mondi. The delinquent workman was a witness to the dependent employment claim, accepting fully the responsibility and the consequences flowing from it, in the event of the claim found to be fake. Therefore, the enquiry Officer after examining all the documentary evidence, briefly analyzed and explained the documents in his findings at page.8 from Sub-Para (a) to (f) before coming to the conclusion that the charges are proved against the workman in the enquiry. As such, all the allegations of the Petitioner that the documents were obtained behind the back of the concerned workman, and no witness was deposed has no merits, hence denied. It is submitted that the Enquiry Officer after objective analysis of the evidence adduced in the enquiry, given his findings that the charges levelled against the workman are proved under Company's Standing Order No.25(1), giving reasons elaborately for coming to such conclusion. The concerned workman has deposed his evidence in the dependent employment enquiry before the committee, (MEx.21) that he knows the family of late Uppuleti Mondi since past 6 years, and that the marriage of Swapna D/o late U.Mondi was performed with Sri Koraveni Srinivas, and that Sri K.Srinivas is the genuine Son-in-law of late U.Mondi. But in his written statement dated 03.04.2005 given to the Vigilance department (Mix.22) he has stated that he do not know whether the marriage of U.Swapna was performed or not, and that he did not attend the marriage and he wants to withdraw his statement as witness to the dependent employment of Sri K.Srinivas the fake Son-in-law of late Uppulcti Mondi. The above statements clearly established the fact that having known the family members of late Uppuleti Mondi since several years i.e. Smt. Gangamma as wife of the deceased, and equally aware that Kumari Swapna daughter of the deceased is a handicapped child with polio, the workman has given false statement in the dependent employment enquiry stating some other women i.e., real wife of Sri K.Srinivas as Kumari Swapna, thereby misleading and misguiding the

management in providing dependent employment to Sri Koraveni Srinivas as Son-in-law, which later found to be false. While it is so, the concerned workman in his deposition in the domestic enquiry stated that during the time of funeral rites of late Uppuleti Mondi, and at the time of 10th Day Ceremony, Smt Uppuleti Gangamma wife of the deceased has introduced her daughter Swapna and Son-in-law Srinivas to him. But in his Cross examination in his reply to Question (No.5) stated that he has seen the wife and children's of late U.Mondi since some time, and to an another Question (No.6) he replied that he has seen late Mondi children's in many occasions, thereby contradicting his own statement. The workman as stated Supra, has given conflicting and inconsistent replies in his depositions and written statements at different times, to mislead and wriggle out of the consequences of his own doing. The above stated grounds fully established his involvement in the fake dependent employment of Sri K.Srinivas, by suppressing the true facts and fraudulently misrepresenting the case before the dependent employment committee. As such, the allegation of the Petitioner that the findings of the enquiry officer, that the concerned workman misguided the management were not established in the enquiry is bereft of any truth and substance, hence denied. , the Disciplinary Authority after going through the entire enquiry proceedings and after evaluating all the evidence on record concurred with the findings of the enquiry officer, and as the charges framed and proved in the enquiry were grave and serious in nature warranting punishment with that of dismissal, the management has taken a lenient view to give an opportunity to the delinquent workman to redeem himself, passed the impugned order No.RG.I/PER/S/46/4215, 21.07.2011 imposing the penalty of 'Stoppage of Two SPRAs with cumulative effect. In view of the above, it is prayed to dismiss the claim petition as devoid of merits.

4. The domestic enquiry held legal and valid in view of the memo filed by the Petitioner conceding to the validity of domestic enquiry vide order dated 6.8.2014.

5. Heard the arguments of Learned Counsel for Petitioner as well as Respondent under Sec.11A of the Act. Both the parties have also filed written arguments.

6. **On the basis of rival pleadings of both the parties, following issues emerge for determination:-**

I. Whether the domestic enquiry conducted against the Petitioner is legal and valid?

II. Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, in awarding the punishment of reduction of tow SPRAs with cumulative effect vide order No.RG.I/Per/S/46/4215 dated 21.7.2011 in respect of Shri Bandari Shankar, Coal Filler, GDK-1 & 2 Inc., is justified or not?

III. To what relief the employee in question is entitled for?

7. **Point No.I:** The domestic enquiry conducted by the Respondent held legal and valid vide order dated 6.8.2014 in view of the memo filed by the Petitioner conceding the validity of the domestic enquiry.

Thus, Point No.I is answered accordingly.

8. **Point No.II:** Petitioner counsel submitted that, Sri Uppuleti Mondi, who was working as Coal Filler at GDK-3 Incline expired while in service. As such, his widow Smt Uppuleti Gangamma submitted an application, requesting to appoint her son-in-law Sri K.Srinivas under dependent employment quota. The application submitted by Smt Uppuleti Gangamma was countersigned by the Petitioner workman and also one Sri Rayalingu as a witness. Consequently, an Enquiry Committee constituted by the Company, conducted a thorough enquiry, with regard to the authenticity of claim of Sri K.Srinivas as son-in-law and after, satisfying with his status, he was given dependent employment. Further, it is submitted that, Petitioner was issued with charge sheet dated 28.7.2005 under Company's Standing Orders No.25(1) & 25(10) alleging that one Sri K. Srinivas obtained employment claiming himself as Son-in-Law of Late Uppuleti Mondi as coal filler and Petitioner workman has signed on application for dependent employment as one of the witnesses which was submitted by the widow of Late Uppuleti Mondi. Charge sheet was served upon him and an enquiry was conducted against him, whereas he was not given any opportunity of hearing much less valid in nature. The whole enquiry was conducted with a pre-conceived notion as if the workman is guilty of charges. Further, Petitioner submits that the procedure of enquiry was not explained by Enquiry Officer to the delinquent before commencement of the enquiry. Though the Presenting Officer relied upon several documents to substantiate the charge, none of those documents were either shown or furnished either before or during the course of enquiry. Had the procedure of enquiry was explained, the concerned workman and the defence assistant, could have understood the procedure of enquiry and ought to have participated in the enquiry effectively. As a result of non-explaining the procedure of enquiry and not showing or furnishing the documents relied on by the Presenting Officer, the concerned workman was put to great prejudice. In this context it is noticeable that the legality and validity of the domestic enquiry has already been held by the Court vide order dated 6.8.2014, therefore, aforesaid contention of the Petitioner in this regard is not acceptable.

9. Further Petitioner submits that Enquiry Officer has relied upon the documents filed by the Presenting Officer, by recording the statement of the concerned workman and Enquiry Officer concluded his enquiry. No witness was examined by the Presenting Officer to substantiate and prove the charge against Petitioner and basing on such lopsided enquiry the Enquiry Officer has held the charges as proved. On the basis of perverse enquiry, a show

cause notice was issued and the Petitioner workman was held guilty of the charge and punished. It is submitted that mere production of the documents by the Respondent and to rely upon those documents without examining the relevant witness in regular Departmental enquiry is illegal and contrary to law. In the instant case Presenting Officer relied upon several documents including that of alleged statement given to the Vigilance Department by Uppaleti Gangamma, but, none of those documents were established and proved during the regular departmental enquiry through examining the relevant witnesses. However, non-examination of such witness in Departmental Enquiry the Petitioner was deprived from his valuable right of cross examination and defence which caused prejudice to him. Therefore, holding the charge merely basing on those unproved documents, is impermissible in law.

10. Perused the record pertaining to the Departmental Enquiry. During the Departmental Enquiry Management has examined the only witness Sri A. Sampath Kumar, Dy. Personal Manager, R.G.I Area as Management witness who happens to be Presenting Officer in this enquiry and documents relied upon and proved by the Management witness are, most of the statements recorded during the vigilance enquiry. Admittedly, the Presenting Officer was not direct evidence of these documents and statement of the witnesses. Therefore, the evidence produced and referred by the Management representative in the Departmental Enquiry are not proved as per settled law. However the Petitioner was deprived to cross examine the witness and to prove his defence which caused him prejudice. In these circumstances the charge alleged against the Petitioner can not be said to be proved.

11. In this context the Petitioner has relied upon the decision in **LIC of India Vs. Rampal Singh reported in (2010) 4 SCC 491** wherein Hon'ble Apex Court categorically held that,

"mere production and marking of documents, would not be sufficient unless those documents are proved through the relevant witnesses".

In a case **Narayan, Dattatreya Ramatheeratha's case reported in 1997 (2) SCC 91**, the Hon'ble Supreme Court held that,

"preliminary enquiry loses its significance after the full fledged departmental enquiry".

Further, in **Nirmala J. Jha Vs. State of Gujarat**, reported in (2013) 4 SCC 301, the Hon'ble Supreme Court held that,

"the evidence recorded in preliminary enquiry cannot be used in the regular enquiry, as delinquent is not associated 'with it and the opportunity to cross examine the witness was not given the delinquent employee (paras 14, 41 to 51 of the judgment) ". Further Hon'ble Apex Court held that, "onus to prove the charge with valid evidence is on the person, who alleges but not on the delinquent employee".

In the case of **David Wilson Vs. Government of A.P.** reported in (2001) 5 ALT 63, the Division Bench of the Hon'ble High Court of AP categorically held that,

"Disciplinary Authority can not make use of any material or evidence collected by it during preliminary enquiry, unless such material or evidence are produced and proved in the regular departmental enquiry."

Further, in the case of **Britania Biscuits Company**, reported in 1979 Law Suit 286 and also W.A.No.37/2013, dt.09-10-2013 in **SPDCL Vs. Yesudas** Hon'ble Court held:-

"mere production of record is not sufficient enough to prove the charge as, the contents of such documents have to be proved by examining the person, who issued the same".

12. During the enquiry, Management has examined sole witness Sri A. Sampath Kumaar Dy. Personnel Manager as a Management representative who has given testimony relying upon the statement of the witnesses examined during the vigilance enquiry i.e., preliminary enquiry. But these witnesses were not examined in Departmental Enquiry and Petitioner was deprived of his valuable right of cross examination to these witnesses. The statement of witnesses recorded during the vigilance enquiry can not be read or considered in the Departmental Enquiry unless examined in the Departmental Enquiry in the presence of the delinquent and providing him opportunity to cross examine such witness. Further, the documents referred by the witness during the Departmental Enquiry has not been proved by direct evidence and has not been marked Exhibit as per law. In these circumstances, the Departmental Enquiry conducted against delinquent is against the provision of Law pertaining to Departmental Enquiry. It would not be out of place to mention here that the Management has examined only one witness i.e., Presenting Officer and no other relevant witness has been examined to prove the document and to corroborate the testimony of the Presenting Officer. It is settled law that Presenting Officer can not be treated as a witness as he has no personal knowledge about the events. The statement given by the Presenting Officer and documents filed by him should be supported by the evidence of primary witnesses and secondary evidence is permissible only, where primary evidence is cast or not available or it may cause inordinate delay to summon the witness in such situation exists here in this matter. Therefore, in view of the above, and law laid down by the Hon'ble Apex Court, as discussed in preceding paragraph, I found force in the submission of the Petitioner, that Presenting Officer is not competent witness in Departmental Enquiry to prove the charge against the delinquent and charge alleged against Petitioner is

not found to be proved and consequently the punishment imposed upon the Petitioner basing on finding of such Departmental Enquiry can not be sustained in Law.

In this context the reference of the decision of **Hon'ble High Court of A.P. in GM, SCCL Ltd, Mandamarri Division Vs. Mohd. Fareed, reported in 2011 (3) ALD 442** is relevant wherein Hon'ble High Court held that,

“In the instant case, the charge against the respondent was that, he filed a fake medical certificate pertaining to his father. The petitioner (i.e. company) was under obligation to prove that charge by examining the persons, who came to the conclusion, or confirmed the opinion that the certificate is fake. The case was presented before the enquiry officer by the Presenting Officer. Not a single witness was examined. For all practical purposes, the Presenting Officer answers the description of a Counsel, and by no stretch of imagination, he can be treated as witness, much less, he can vouch for the correctness or otherwise of the documents, produced by him. It is only the persons who are the custodians of the concerned records, or who are acquainted with the facts of the case, that can be examined as witnesses and who can throw light upon a truth or otherwise of the allegation or charge. Once it has emerged that no person was examined in support of the charge, the inescapable conclusion is that, the charge was not proved at all. The Labour Court noticed this serious flaw, and held that the charge against the respondent was not proved. This court is not inclined to take any different view.”

Similarly, in the present case also the Presenting Officer has been examined and no other witness has been examined to prove the charge according to law. Only Presenting Officer has been examined and basing on his statement and unproved documents the Enquiry Officer held the charge as proved. Such conduct on the part of the Enquiry Officer has been deprecated by the Hon'ble High Court of A.P. in numerous cases. Therefore, in view of the law laid down by the Hon'ble High Court as discussed above, the charge against the Petitioner during the enquiry can not be said to be proved for the want of direct relevant Evidence.

Further, in the case of– Delhi Cloth & General Mills Vs. Lud Bud Singh, AIR 1972 SC 1031 whereat, the Hon'ble Supreme Court have held that,

“The Enquiry Officer has also committed another mistake when he proceeded on the basis that as the workman has not adduced any evidence in his defence, it is not open to him to contend that he was not responsible for the acts of destruction and damages. This observation clearly shows that the Enquiry Officer has missed the elementary principle of jurisprudence that when allegations of misconduct are levelled against a person, it is the primary duty of the person making those allegations to establish the same and not for an accused to adduce negative evidence to the effect that he is not guilty”

Therefore, in view of the law laid down by the Hon'ble Court, initial burden of proof to prove the charge against the Petitioner as alleged in the present matter is upon the Management. But the Management failed to discharge their burden of proof during enquiry, hence Petitioner, the alleged delinquent can not be said to be held guilty on the basis of finding of such Departmental Enquiry.

13. The Petitioner submits that during the course of defence evidence he, as a witness categorically deposed that he personally knows the daughter and widow of the deceased employee i.e. Late U. Mondli and consequent upon his unfortunate death, he attended the 10th day ceremony during which time, the widow of the deceased employee Smt. Gangamma has introduced her son-in-law i.e. the husband of her daughter Smt. Swapna. It is further submitted that she has shown the photos; marriage certificates of her daughter and son-in-law and thereafter basing on her request, he has signed the application submitted by the widow of the deceased employee i.e. Smt. Gangamma as witness. It is submitted that, the evidence of the workman as a defence witness remains un rebutted. But, ignoring un rebutted evidence, the enquiry officer came to a perverse conclusion holding the charge as proved basing on the documents obtained during the course of preliminary enquiry.

14. To arrive at finding, holding the charge as proved Enquiry Officer has relied upon the Ex.M12 i.e., affidavit of Smt. Gangamma dated 15.6.1997 allegedly obtained by the vigilance during preliminary enquiry and that the documents filed by him, but it should have been proved by evidence of Vigilance authorities and Petitioner should have been given opportunity to cross examine the witnesses. Neither Smt. Gangamma nor the Vigilance authorities was examined during the course of enquiry proceeding and Enquiry Officer has placed reliance on document MEx.12 to hold the charge as proved, and that is, contrary to law.

15. Perused the findings of Enquiry Officer. The Enquiry Officer in his findings, has mentioned that, Sri Koraveni Srinivas, Badli Filler is not the son-in-law of Late Uppuleti Mondli, Coal Filler, and that it is a fake son-in-law case. Smt. U. gangamma, W/o Late U. Mondli has misguided the Management with fake documents. Sri Bandari Shankar, Coal Filler has given a false and fabricated written statement along with Angajala Rajalingu stating that K. Srinivas was dependent son-in-law of Late Uppuleti Mondli and thereby Sri Bandari Shankar dishonestly misguided the Management in connection with the dependent employment application case of Smt. U. Gangamma. So the charge levelled against Sri Bandari Shankar under Company's Standing Orders No.25.25 No.25.1 dishonesty in connection with employer's business is proved beyond doubt.

16. Further, Disciplinary Authority has given the finding in impugned order of dismissal that the report of Enquiry Officer in all connected papers have been carefully considered and I agree with the finding of the Enquiry Officer holding him guilty of the misconduct under the Standing Orders No.25.1.

17. Now, the question arises whether the act of Petitioner giving the statement in favour of Koraveni Srinivas as a son-in-law of Late Uppuleti Mondhi on the request of Smt. U. Gangamma, widow of Late Uppuleti Mondhi was done with malicious intention or dishonesty.

In this context the reference of the decision of *HMT Limited and another vs. Muduppa and others* is relevant 2007 SCC page 768 while quoting from earlier judgement of Hon'ble Apex Court reported as *State of AP and another Vs. Govardhanlal* 2003 SCC page 739 wherein the Hon'ble Apex Court held "the 'legal malice' or 'malice in law', means something done without lawful excuse. It is an act done wrongfully and willfully without reasonable probable cause and not necessarily an act done from ill feeling and spite. The court held as under:

"12. The legal meaning of malice is ill will or spite towards a party and any indirect or improper motive in taking an action. This is sometimes described as malice in fact. 'Legal Malice' or 'malice in law' means something done without lawful excuse. In other words it is an act done wrongfully and willfully without reasonable or probable cause and not necessarily an act done from ill feeling will and spire. It is deliberate act in disregard of rights of others."

Whereas the dishonesty has been defined by the Hon'ble Apex Court in a decision, "*when once his actual state of mind as to knowledge or belief as to fact is established, the question whether his conduct was honest or dishonest, is to be determined by the fact finder by applying the objective standard of ordinary decent people. There is no requirement that defendant must appreciate that what has done is by those standard dishonest.*"

Therefore, in view of the decision of the Hon'ble Apex Court, we proceed to scrutinize the finding of the Enquiry Officer in the present matter. Admittedly, Petitioner has counter signed application on the request of Smt. U. Gangamma the widow of Ex-Coal Filler, just in order to provide dependent employment to her son-in-law. But during enquiry, Petitioner as defence witness has furnished a reasonable explanation that, under the circumstances he gave such statement and put signature on application. He has categorically stated that he has signed as a witness for the dependent application of Smt. U. Gangamma, W/o Late U. Mondhi relied upon so on the marriage photos and marriage registration certificate and there was no intention on his part as to cause any loss to the Company. Further he states the he would withdraw his statement if his statement is a certification. Delinquent in evidence deposed too that he has signed as a witness due to ignorance of the fact. Therefore, in view of the explanation furnished by the delinquent in his defence evidence pertaining to charge to sign the application as a witness, on the request of Smt. U. Gangamma, such conduct of the delinquent employee can not be termed as dishonest or malicious, because the Ex.Coal Filler Late U. Mondhi who died during the service was his colleague co-worker and he also attended the 10th ceremony of his death. Therefore, out of humanity and sympathy, he believed the statement of Smt. U. Gangamma, the widow of Late U. Mondhi as true without any malice or dishonesty as she herself introduced Sri K. Srinivas, as her son-in-law, to the Petitioner and the Petitioner, in bonafide belief countersigned her application for dependent employment. Further, the Enquiry Officer did not assign any reason in the report that why the explanation furnished by the Petitioner as defence witness for his said conduct, was not believed to be bonafide action. The Enquiry Officer failed to consider the good faith and bonafide of the Petitioner in the present matter. In view of the fore gone discussion the conduct of the Petitioner can not be termed as dishonesty because under such circumstances any other colleague workman would not have denied to help the widow of deceased co-workman to countersign her application for dependent employment. Therefore, finding given by the Enquiry Officer in his report is not maintainable and also impugned order of dismissal passed by Disciplinary Authority basing upon such report.

18. Further, the Enquiry Officer has relied upon the evidence of the witnesses recorded in preliminary enquiry and basing upon uncorroborated documentary and oral evidence delinquent has been held guilty which is not sustainable in law. Further, the Disciplinary Authority vide order dated 21.7.2011, has not assigned any reason for accepting the report of Enquiry Officer and in a vague manner it has mentioned that he has considered the enquiry report of Enquiry Officer and all connected papers and he concurred with the findings of the Enquiry Officer holding the Petitioner guilty of misconduct under Company's Standing Orders No.25.1. Before passing order of punishment against the delinquent, the Disciplinary Authority is duty bound to assign the reason why he is accepting the finding of the Enquiry Officer and it has to give careful consideration to the evidence accorded in enquiry and the explanation submitted by the delinquent in response to the show cause notice. But no such discussion and finding is mentioned by the Disciplinary Authority in his impugned order dated 21/28.7.2011. Therefore, in such circumstances the order of Disciplinary Authority is bad in law and liable to be quashed.

In this regard, the reference of decision of *the M/s. Singareni Collieries Company Ltd., in G. Vallikumari Vs. A.P. Educational Society* is relevant wherein Hon'ble Apex Court held that, "*disciplinary authority imposing the punishment without recording the reasons and simply by referring the findings of the enquiry officer, is liable to be set aside (paras 19 & 20)".*

Further in another case, the Hon'ble High Court of A.P. in **A. Damodar Vs. SCCL in WP No.26615/1997, dt.17-04-2007** also categorically held that, *“the impugned order does not disclose the reasons, does not discuss the evidence recorded before the enquiry officer and how the disciplinary authority considered the same, as such, impugned order is liable to be set aside and hence set aside (last para of the judgment).”*

Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court and Hon'ble High Court as discussed above, the impugned proceeding order No. RG.I/Per/S/46/4215 dated 21.7.2011 is not legal and justified.

Thus, Point No.II is decided accordingly.

19. **Point No.III:** In view of the decisions of the Hon'ble Apex Court and Hon'ble High Court and finding given in Point Nos. I & II, the impugned proceeding order No.RG.I/Per/S/46/4215, dated 21.7.2011 issued by the Respondent Management whereby the punishment of stoppage of two SPRAs of the Petitioner has been inflicted, is held illegal, arbitrary and is hereby liable to be set aside. The Petitioner is entitled to grant the two SPRAs w.e.f. 21.7.2011, i.e., on which date it was stopped. However, it would not be out of place to mention here that Sri Koraveni Srinivas against whom the charge was alleged for obtaining the employment by impersonating himself as Son-in-Law of Late U. Mondy, and he was found guilty of misconduct in the enquiry conducted by the Respondent Management, Sri Koraveni Srinivas had filed LC No.97/2009 before this Labour Court challenging the impugned order of dismissal and the Labour Court vide its decision dated 27.6.2018 has set aside the order of dismissal against Sri Koraveni Srinivas and Respondent has been directed to reinstate him into service with continuity of service. The Petitioner in the present matter was only a witness to countersign the application of Smt. U. Gangamma, Widow of Late U. Mondy for dependent employment of Sri Koraveni Srinivas. Therefore, in such circumstances, the punishment inflicted upon the Petitioner is neither sustainable nor maintainable.

This Point No.III is answered accordingly.

AWARD

The action of the Chief General Manager M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavari Khani in awarding punishment of stoppage of 2 SPRAs with cumulative effect vide order No.RG.I/Per/S/46/4215, dated 20/21.7.2011 in respect of Shri Bandari Shankar, coal Filler, GDK-I & 2 Inc., is neither legal nor justified. Hence, order No.RG.I/Per/S/46/4215, dated 21.7.2011 is hereby set aside. Petition is allowed. The Respondent Management is directed to grant the two SPRAs to the Petitioner with retrospective effect from 21.7.2011 i.e., on which date it was stopped, within one month after receipt of this award.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 20th day of October, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 जनवरी, 2024

का.आ. 180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंधित नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय हैदराबाद**, के पंचाट (संदर्भ संख्या **90/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **21/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/90/2017.आई. आर. (सीएम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 30th January, 2024

S.O. 180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 90/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd** and their workmen, received by the Central Government on **21/01/2024**.

[No. L-22012/90/2017 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 18th day of October, 2023

INDUSTRIAL DISPUTE No. 90/2018

Between:

1. The General Secretary,
The Singareni Collieries Staff & Workers Union,
Regd. No.E-755 (INTUC),
Hyderabad.
 2. The General Secretary,
The Singareni Collieries Miners & Engineering Workers Union,
Regd. No.E-165 (HMS),
Hyderabad.
 3. The General Secretary,
The Singareni Collieries Employees Union,
Regd. No.E-171 (CITU),
Hyderabad.
 4. The President,
The Singareni Collieries Workers Union,
Regd. No.E-7 (AITUC),
Hyderabad.
 5. The President,
The Singareni Coal Mines Karmik Sangh,
Regd. No.E-121(BMS),
Hyderabad.
-Petitioner Unions

AND

The Chairman & Managing Director,
M/s. Singareni Collieries Company Ltd.,
Red Hills, Khairatabad,
Hyderabad.

..... Respondent

Appearances:

For the Petitioner : Party in Person
 For the Respondent : Sri Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-22012/90/2017-IR(CM.II) dated 20.7.2018 referred the following dispute under section 10 (1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

“Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., in not providing dependent employment to eligible dependents even in cases of voluntary retirement on health grounds as per Memorandum of Settlement dated 6.6.1998 is just, fair and legal? If not, to what relief the dependent of the workmen represented by the Joint Bipartite Committee for the Coal Industry Unions viz., S.C. Workers’ Union (AITUC), S.C.M.K. Santh (BMS), S.C. Employees Union (CITU), S.C.M.E. Workers Union (HMS) and S.C.M.L. Union (INTUC) are entitled?”

The reference is numbered in this Tribunal as I.D. No. 90/2018 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for filing of claim statement Petitioners (Unions) remained absent despite sufficient number of opportunities have been provided to them. The case is posted for filing of claim statement since 2018. It thus becomes crystal clear that the petitioner unions seem to be not interested in pursuing their case. Due to absence of Petitioners(unions) and non-filing of claim statement case is dismissed for default and a ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 18th day of October, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
 Petitioner
 NIL

Witnesses examined for the
 Respondent
 NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 30 जनवरी, 2024

का.आ. 181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय अहमदाबाद**, के पंचाट (संदर्भ संख्या **27/2008**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **21/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/233/2004.आई. आर. (सीएम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 30th January, 2024

S.O. 181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 27/2008**) of the **Central Government Industrial Tribunal-cum-Labour Court Ahmedabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd** and their workmen, received by the Central Government on **21/01/2024**.

[No. L-22012/233/2004- IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 7th day of June, 2023

INDUSTRIAL DISPUTE No. 27/2008

Between:

The General Secretary,
Singareni Collieries Mine Workers Union,
H.No.D-703, Opp. Rythu Bazar,
Godavarikhani – 50 209.

.....Petitioner

AND

The Chief General Manager,
M/s. Singareni Collieries Company Ltd.,
Ramagundam – II Division, GDK-8 Inc., Colony(P.O.)
Godavarikhani – 505211.

... Respondent

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-22012/233/2004-IR(CM-II) dated 15.12.2008 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

“Whether the demand of S/Shri A. Pratap Reddy, A. Rajeshwar Rao, D. Komuraiah & Desari Vodelu for protection of their pay on their posting as Conveyor Operator is legal and justified? To what relief are the claimants entitled?”

The reference is numbered in this Tribunal as I.D. No. 27/2008 and notices were issued to the parties concerned and the Petitioner entered appearance. Petitioner filed claim statement and Respondent filed counter statement.

2. Case is fixed for Petitioner’s evidence. Both parties called absent. Perusal of the record reveals that Petitioner in support of his claim petition has filed affidavit of the witness but he did not produce the witness for cross examination. It is settled law that evidence includes chief examination as well as cross examination as per rule of Evidence Act. But the Petitioner did not produce evidence to substantiate his claim.

3. On perusal of the record, I am of the considered view that since the Petitioner has not proved and substantiated his claim by any oral or documentary evidence, therefore, his claim petition is liable to be dismissed and ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 7th day of June, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 31 जनवरी, 2024

का.आ.182.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट अथॉरिटी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री जी. ए. रुद्रप्पा, जनरल सेक्रेटरी, इंडियन एयरपोर्ट्स कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेंस न.-1/2008) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. एल-11012/3/2007- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 182.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 1/2008**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Airport Authority of India** and **Shri G. A. Rudrappa, General Secretary, Indian Airports Kamgar Union** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. L-11012/3/2007-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**, Presiding Officer

Dated the 29th day of December, 2023

INDUSTRIAL DISPUTE No. 1/2008

Between:

Sri G. A. Rudrappa,
General Secretary,
Indian Airports Kamgar Union,
Hyderabad Airport, Begumpet,
Hyderabad.

.....Petitioner

AND

1. The Chairman,
Airport Authority of India,
Rajiv Gandhi Bhawan,
Safdarjung, New Delhi-110 003.
2. The Director,
Airport Authority of India,
Begumpet, Hyderabad.

... Respondents

Appearances:

For the Petitioner : M/s. Ch. Indra Sena Reddy & A.Narasimha, Advocates

For the Respondent : M/s. A.K. Jayaprakash Rao, M. Govind & Venkatesh Dixit, Advocates

AWARD

The Government of India, Ministry of Labour by its order No.L-11012/3/2007-IR(M) dated 26.12.2009 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Airport Authority of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the Management of Airport Authority of India, New Delhi in not revising the rates of Over Time Allowance to its workmen retrospectively w.e.f. 1/1/1989 as agreed upon in tripartite settlement dated 19/2/1997 with workmen Union (Indian Airports Kamgar Union) is legal and justified? If not, to what relief the workmen are entitled?”

The reference is numbered in this Tribunal as I.D. No. 1/2008 and notices were issued to the parties concerned and the Petitioner entered appearance. Petitioner filed claim statement and Respondent filed counter statement.

2. Case is fixed for Petitioner's evidence. But since last many dates of hearing Petitioner is absent. Despite sufficient opportunity granted to him Petitioner did not adduce his evidence in support of his claim. It appears that he do not want to prosecute his case any further. His claim statement has not been substantiated by any cogent evidence. Petitioner is not putting his presence since 2020. It thus becomes crystal clear that the petitioner seems to be not interested in pursuing his case. As such, a 'No Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 29th day of December, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 31 जनवरी, 2024

का.आ.183.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और श्री जी. मल्लेश के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-20/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2024- आईआर(एम)-10]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 183.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 20/2021**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in

relation to **LIC of India** and **Shri G. Mallesh** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. Z-16025/04/2024-IR(M)-10]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 9th day of January, 2024

INDUSTRIAL DISPUTE No. 20/2021

Between:

Sri G. Mallesh,

S/o D. Suryanarayana,

D.No.27-200-36, Sundaraiah Nagar,

Dharmavaram(M), Ananthapur,

District-515672.

.....Petitioner

AND

1. The Zonal Manager,
LIC of India, Post Box No.10, College Road,
Kadapa – 516004. (A.P.)

2. The Branch Manager,
LIC of India, Dharmavaram Branch,
Ananthapuram District. (A.P.)

... Respondents

Appearances:

For the Petitioner : None

For the Respondent : Representative

AWARD

The Government of India, Ministry of Labour, O/o Dy. Chief Labour Commissioner(C), Hyderabad by its order No.7(8)/2021-B1 dated 10.3.2021 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India and their workman. The reference is,

SCHEDULE

“Whether the action of the Management of LIC of India in terminating the services of Sri G. Mallesh, Ex-worker is justified? If not, what relief the concerned workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 20/2021 and notices were issued to the parties concerned.

2. On the date fixed for filing of claim statement, Petitioner remained absent despite service of notice and extending sufficient number of opportunities Petitioner did not turn up and did not file any claim statement. It thus becomes crystal clear that the petitioner seems to be not interested in pursuing his case. Due to absence of Petitioner and non-filing of claim statement case is dismissed for default and a ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected and signed by me on this the 9th day of January, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 31 जनवरी, 2024

का.आ.184.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ग्रीन गैस लिमिटेड के प्रबंधन के संबंधित नियोजकों और श्री कमलेश चंद्र एंड 5 अन्य के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, लखनऊ, पंचाट (रिफरेन्स न.-34/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. एल-30011/18/2022- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 184.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 34/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Lucknow** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Green Gas Limited and Shri Kamlesh Chandra & 5 others** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. L-30011/18/2022-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW****PRESENT**

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 34/2022

Ref. No. L-30011/18/2022-IR(M) dated: 21.07.2022

BETWEEN

Shri Kamlesh Chandra & 5 others, House No. E-1/845, Ruchi Khand, Sharda Nagar, Lucknow-226002.

AND

The Managing Director, M/s Green Gas Ltd., 2nd floor, Fortuna Tower, 10 Rana Pratap Marg, Lucknow-226001

AWARD

By order No. L-30011/18/2022-IR(M) dated: 21.07.2022 the present industrial dispute has been referred for adjudication to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether the action of the management of M/s Green Gas Ltd. Lucknow in terminating the services of Shri Kamlesh Chandra & 5-others working as a Guard without following the provision of section 25 F of I.D. Act 1947 is justified in the eye of law? If not, what relief the concerned workmen are entitled to?”

In response to reference on 16.11.2022, Sri Kamlesh Chandra has filed statement of claim in his behalf as well as on behalf of Sri Vinay Kumar, the two employees on whose behalf reference has been made; along with three other employees, inter alia stating therein that they are working as Security Guard w.e.f. 01.04.2019 in Green Gas Limited; however, their services were orally terminated w.e.f. 01.08.2021.

Accordingly, the following prayer has been made:

“1. To pass an order setting aside the illegal termination order dated 01/08/2022 and also direct the Opposite Party to reinstate the applicants on their services with full back wages.

2. To pass any other order as deemed necessary under the above mentioned facts and circumstances.”

On 11.08.2023, on behalf of the claimants, Sri Kamlesh Chandra and Sri Vinay Kumar, an affidavit was filed, which is sworn by Sri Kamlesh Chandra, taken on record. The contents of the same are reproduced *herein below*:

“1. That the deponent is the applicant no.-1 himself in the above noted case and doing pairing of the case on behalf of applicant no.-2 and as such he is well conversant with the facts and circumstances deposed hereunder.

2. That in the above noted case, in reference of order F.No.-L- 30011/18/2022-IR(M), Government of India, Bharat Sarkar, Ministry of Labour/Shram Mantralaya Dated 21/07/2022, in erified respect of Kamlesh Chandra & 5 others and the applicant had 8/2013 Tiled the claim statement on behalf of two claimants viz. Kamlesh Chandra & Vinay Kumar on dated 16.11.2022.

3. That, after adjudication, opposite party had filed their preliminary objection on dated 13.12.2022 and written statement on 20.04.2023.

4. That now the applicants do not want to contest the present industrial dispute any more.

5. That, in view of the above facts, reasons and circumstances it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to allow the withdrawal application and permit the applicants to withdraw the present industrial dispute No. 34 of 2022 in the interest of justice and pass appropriate order.”

Further both the claimants, Sri Kamlesh Chandra and Sri Vinay Kumar were present before the Tribunal on 11.08.2023 and their signature was also taken on the said application as well as the photocopy of Aadhar was also taken on which signature of said persons exists which is kept on record.

Sri B.P. Singh, learned counsel for respondent has no objection.

Accordingly, in view of the prayer made by the workmen viz. Sri Kamlesh Chandra and Sri Vinay Kumar, in affidavit dated 11.08.2023, quoted hereinabove, the claim of workmen is dismissed as withdrawn; and workmen are not entitled for any relief.

The reference under adjudication is answered accordingly.

Award as above.

Lucknow.

Justice ANIL KUMAR, Presiding Officer

December, 2023

नई दिल्ली, 31 जनवरी, 2024

का.आ. 185.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फैक्ट्री मैनेजर, मेसर्स भिलाई जेपी सीमेंट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और महासचिव, जिला सतना सीमेंट स्टील फाउंड्री खदान कामगार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-35/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/18/2021- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 185.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 35/2021**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Factory Manager, M/s Bhilai Jaypee Cement Ltd., and The General Secretary, Zila Satna Cement Steel Foundry Khadan Kaamgar Union** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. L-29011/18/2021-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/35/2021

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Zila Satna Cement Steel Foundry Khadan Kamgar

Union (AITUC), AITUC Office Santnagar, Ghoordang

Ward No. 11, PO-Birla Vikas, Satna(MP)

Workman

Versus

The Factory Manager,

M/s Bhilai Jaypee Cement Ltd.,

PO- Babupur, Satna (MP)-485112.

Management

AWARD

(Passed on this 27th day of December-2023.)

As per letter dated 23/08/2021 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-29011/18/2021 (IR(M)) dt.23/08/2021 . The dispute under reference related to :-

"Whether the demand raised by the Zila Satna Cement Steel Foundry Khadan Kamgar Union (AITUC), Satna for classification of the post & difference of wages & other benefits by regularizing to the contract labours (List of labours Annexure-A), is legal, justified and valid? If not, as to what relief the contract labours are entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be dismissed and is dismissed accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 जनवरी, 2024

का.आ. 186.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **चीफ जनरल मैनेजर (यूनिट हेड), मेसर्स कारवाही ओपन कास्ट कोल् माइंस** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री दिलेस्वर कुमार पटेल एंड 101 अन्य** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (**रिफरेन्स न.-153/2017**) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. एल-27011/3/2017- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 186.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 153/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chief General Manager (Unit Head), M/s Karwahi Open Cast Coal Mines and Shri Dileswar Kumar Patel and 101 others** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. L-27011/3/2017-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/153/2017

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Dileswar Kumar Patel & 101 others,

At-Karwahi, Po-Saraitola, PS-Tamnar,

Distt.- Raigarh (Chhattisgarh) -496107.

Workman

Versus

The Chief General Manager (Unit Head),

M/s Karwahi Open Cast Coal Mines,

Monnet Ispat & Energy Limited,

At-Karwahi, Po-Saraitola, Via-Tamnar,

Distt.- Raigarh (Chhattisgarh) -496107

Management

AWARD

(Passed on this 26th day of December-2023.)

As per letter dated 05/12/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-27011/3/2017-IR(M) dt.05/12/2017 . The dispute under reference related to :-

"Whether the action for denying to pay bonus by the management of Karwahi open cast coal Mines, IV/7 Millupara in Raigarh district of Monnet Ispat Energy Ltd for the Period July, 2015 to March 2016 and April, 2016 to March, 2017 in respect of 102 workers Namely Shri Dileshwar Kumar Patel and 101 others is just, fair and legal? If not, what relief the workers in the dispute are entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be dismissed and is dismissed accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 जनवरी, 2024

का.आ. 187.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर प्लांट, मेसर्स एसीसी लिमिटेड, कैमोर सीमेंट वर्क्स के प्रबंधन के संबद्ध नियोजकों और श्री मुकेश गौतम, जनरल

सेक्रेटरी, कैमोर सीमेंट एंड खदान कर्मचारी संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स नं.-51/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. एल-29011/3/2019- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 187.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 51/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, M/s ACC Limited, Kymore Cement Works** and **Shri Mukesh Gautam, General Secretary, Kymore Cement & Khadan Karmachari Sangh** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. L-29011/3/2019-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/51/2019

Present: P.K.Srivastava

H.J.S..(Retd)

**Shri Mukesh Gautam, General Secretary,
Kymore Cement & Khadan Karmachari Sangh,
Address: Artizm Colony, O.A. - 27,
ACC Colony, Kymore, District - Katni (MP)**

Workman

Versus

**The Director Plant,
M/s ACC Limited,
Kymore Cement Works, Post - Kymore,
District - Katni (Madhya Pradesh).**

Management

AWARD

(Passed on this 27th day of December-2023.)

As per letter dated 17/06/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-29011/3/2019-IR(M) dt. 17/06/2019. The dispute under reference related to :-

"क्या प्रबंधन, ए.सी.सी. लिमिटेड, कैमोर सीमेंट वर्क्स, पोस्ट कैमोर, जिला कटनी, मध्य प्रदेश के द्वारा श्रम संघ के सदस्य श्री अनुराग द्विवेदी को दिनांक 19.12.2018 को प्लांट के भीतर कार्य पर जाने हेतु पंक्तिंग करने से मना कर कार्य पर जाने से रोकने की कार्यवाही न्यायोचित है? यदि नहीं तो, संबंधित आवेदक किस अनुतोष का हकदार है?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be dismissed and is dismissed accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 जनवरी, 2024

का.आ. 188.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर डिविशनल मैनेजर, मेसर्स लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री राजेंद्र गिरी गोस्वामी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-50/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. एल-17012/19/2019- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 188.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 50/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Sr. Divisional Manager, M/s Life Insurance Corporation of India** and **Shri Rajender Giri Goswami** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. L-17012/19/2019-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/50/2019

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Rajender Giri Goswami,

337/2, Ward No. 16, Parasiya,

District-Chhindwara (MP).

Workman

Versus

The Sr. Divisional Manager,

M/s Life Insurance Corporation of India,

Madan Mahal, Nagpur Road,

Jabalpur (Madhya Pradesh)

Management

AWARD

(Passed on this 15th day of December-2023.)

As per letter dated 20/05/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number No. L-17012/19/2019-IR(M) dt.20/05/2019 . The dispute under reference related to :-

"Whether the enquiry proceedings in reference to charge sheet dated 02.01.2015 against the workman Sh. Rajendra Giri Goswami by the management of Life Insurance Corporation of India, Division Office, Jabalpur (MP) were vitiated?

If yes, whether the order of punishment is liable to be set aside/modified? What other reliefs, the workman is entitled to? What directions, if any, are necessary in the matter?"

After registering a case on reference, notices were sent to the parties.

During the proceeding notices were served to the parties as is clear from services status downloaded from the internet available in file. Management filed an appearance through Ld. Counsel.

It was informed by management during the proceeding that the workman had died; his legal representative did not come forward for being substituted. Hence, in these circumstances the reference has become infructuous and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 जनवरी, 2024

का.आ. 189.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री चंद्र भुसन चौधरी के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, पटना, पंचाट (रिफरेन्स न.-31 (सी) 2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. जेड-16025/04/2023- आईआर(एम)-74]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 189.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 31 (C) of 2022**) of the **Industrial Tribunal cum Labour Court, Patna** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri Chandra Bhusan Chudhary** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. Z-16025/04/2023-IR(M)-74]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL, PATNA.

Reference Case No.:- 31 (C) of 2022

Between the management of The management of Sr. Divisional Manager, LIC of India, Uma Shankar Marg, Club Road, Muzaffarpur, Bihar-844101 and their workman Sri Chandra Bhusan Chaudhary, S/O- Shri Ram Nath Chaudhary, C/0- Sri Mukul Chaudhary, Behind the Nisad Gas Godown, Hathsarganj, Hajipur, Vaisali-844101. .

For the management:- Mr. Raj Dular Sah, Advocate.

For the workman:- None.

Present:- Manoj Shankar
Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated- 1st December, 2023

By the adjudication order no.- 1/ID/(06)/2022/Dy.CLC Patna, dated- 24.08.2022 the Govt. of India, Ministry of Labour & Employment, Maurya Lok Complex, Patna has referred under clause (d) of sub-section-(1) and sub-section-(2A) of section-10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as "the Act"), the following dispute between the management of The management of Sr. Divisional Manager, LIC of India, Uma Shankar Marg, Club Road, Muzaffarpur, Bihar-844101 and their workman Sri Chandra Bhusan Chaudhary, S/O- Shri Ram Nath Chaudhary, C/0- Sri Mukul Chaudhary, Behind the Nisad Gas Godown, Hathsarganj, Hajipur, Vaisali-844101 for adjudication to this tribunal:-

SCHEDULE

“Whether the action of the management of LIC of India, Divisional Office, Muzaffarpur to terminate the service of Chandra Bhusan, was correct and valid? If not, to what reliefs the workman is entitled for?”

2. Upon receiving the reference case on 23.11.2022 registered notice was issued to both the sides vide memo no.- 302 dt- 14.12.2022 fixing on 24.01.2023 but workman side did not appear on the fixed date but the management side appeared through his learned counsel.

3. From perusal of the case record, it appears that this reference case for grievances of workman Sri Chandra Bhusan against the management of LIC of India is received to this tribunal on 23.11.2022. Accordingly notice has been issued to both the sides on 14.12.2022 but workman did not turn up as his registered notice was returned to this tribunal due to the incomplete address but the management side appeared on 24.01.2023 itself. This tribunal further finds that the complete address was asked from the Dy. Chief Labour Commissioner (Central) Patna. The complete address of the workman was received to this tribunal on 21.04.2023. Thereafter, registered notice was issued again to the workman on complete address given by the Dy. Chief Labour Commissioner (Central) Patna but workman never turn-up. However, management side used to appear on each and every day. This tribunal further finds that continuous absence of the workman not to contest his case is itself an indication he is not interested at all to proceed his case before this tribunal perhaps he has no grievance at all. The learned counsel for the management submitted that since workman himself is not interested as he is evading his appearance from the very beginning so appropriate order may kindly be passed.

4. Considering all the facts and circumstances of the case and the submissions as advanced on behalf of the management side, this tribunal finds that this reference is received to this tribunal on 23.11.2022 but workman never turned-up inspite of having ample opportunities. Continuous absence of the workman itself denotes he has no grievance at all against the management. Accordingly in the facts & circumstances of the case as discussed above this is the considered opinion of this tribunal that tribunal has no option than to pass “ No Dispute Award”. Thus this tribunal pass “ No Dispute Award” accordingly. This award is effected after date of publication in gazette.

This is my award accordingly.

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 31 जनवरी, 2024

का.आ. 190.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स बीपीसीएल; मेसर्स जनता ट्रांसपोर्ट सर्विस; मेसर्स राज रोडवेज; मेसर्स रॉयल हावर्ड मार्केटिंग सलूशन; मेसर्स बिभा भारत गैस ग्रामीण वितरक और मेसर्स चंद्र इंटरप्राइजेज के प्रबंधन के संबद्ध नियोजकों और डिप्टी जनरल सेक्रेटरी, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड एम्प्लाइज यूनियन के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, पटना, पंचाट (रिफरेन्स न.-19 (सी) 2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 31.01.2024 को प्राप्त हुआ था।

[सं. एल-30011/30/2019- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 31st January, 2024

S.O. 190.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 19 (C) of 2019**) of the **Industrial Tribunal cum Labour Court, Patna** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s BPCL; M/s Janta Transport Service; M/s Raj Roadways; M/s Royal Havard Marketing Solution; M/s Bibha Bharat Gas Gramin Vitrak and M/s Chandra Enterprises and The Dy. General Secretary, Bharat Petroleum Corporation Limited Employees Union** which was received along with soft copy of the award by the Central Government on 31.01.2024.

[No. L-30011/30/2019-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL, PATNA.

Reference Case No.: 19 (C) of 2019

Between the management of (1) Regional Manager (LPG) East, M/S BPCL, Eastern Regional Office, Bharat Bhavan, Plot No.-31, C.I.T. Scheme, Prince Gulam Md. Shah Road, Golf Green, Kolkata, Pin Code-700095 (2) Territory Manager (LPG) M/S- BPCL, Fathua, Patna—803201 (3) Shri Sarjinder Singh, Proprietor, M/S Janta Transport Service, Near Lucky Biscuit Factory, Jai Krishna Road, Hajiganj, Patna City, District-Patna-800008 (4) Shri Rajesh Kumar, Proprietor, M/S Raj Roadways, Sahu Colony, Station Road, District- Nawada, Bihar, Pin Code-8005110 (5) Shri Shayam Kumar, Proprietor, M/S Royal Havard Marketing Solution, At + Post- Paprur, Opp. Super Highway Petrol Pump, District- Begusarai, Bihar-851210 (6) Shri Bipin Kumar, Proprietor, M/S Bibha Bharat Gas Gramin Vitrak, At- Pandarakh Tola Pundapur, Post- Pandarakh, District- Patna, Bihar Pin Code-851210 (7) Dr. Prakash Chandra, Proprietor, M/S Chandra Enterprises, C/O- BPCL, Fathua, Patna-803201 (8) Dy. General Secretary, Bharat Petroleum Corporation Ltd. Employees Union, C/O- BPCL, Eastern Regional Office, Bharat Bhavan, Plot No.- 31, C.I.T Scheme, Prince Gulam Md. Shah Road, Golf Green, Kolkata, Pin Code-700095.

For the management:- Sri Vijay Kumar Pandey, Advocate. (1) & (2)

For the rest of management :-None.

For the workman:- Sri Manoj Kumar Singh Secretary / Dy. Secretary, Bharat Petroleum Corporation Ltd. Employees Union.

Present:- **Manoj Shankar**
Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dt- 6th November, 2023.

By the adjudication order No.-L-30011/30/2019-IR(M) New Delhi, dated- 25.11.2019 the Govt. of India Ministry of Labour New Delhi has referred under clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as “ the Act”) the following dispute between the management of (1) Regional Manager (LPG) East, M/S BPCL, Eastern Regional Office, Bharat Bhavan, Plot No.-31, C.I.T. Scheme, Prince Gulam Md. Shah Road, Golf Green, Kolkata, Pin Code-700095 (2) Territory Manager (LPG) M/S- BPCL, Fathua, Patna—803201 (3) Shri Sarjinder Singh, Proprietor, M/S Janta Transport Service, Near Lucky Biscuit Factory, Jai Krishna Road, Hajiganj, Patna City, District-Patna-800008 (4) Shri Rajesh Kumar, Proprietor, M/S Raj Roadways, Sahu Colony, Station Road, District- Nawada, Bihar, Pin Code-8005110 (5) Shri Shayam Kumar, Proprietor, M/S Royal Havard Marketing Solution, At + Post- Paprur, Opp. Super Highway Petrol Pump, District- Begusarai, Bihar-851210 (6) Shri Bipin Kumar, Proprietor, M/S Bibha Bharat Gas Gramin Vitrak, At- Pandarakh Tola Pundapur, Post- Pandarakh, District- Patna, Bihar Pin Code-851210 (7) Dr. Prakash Chandra, Proprietor, M/S Chandra Enterprises, C/O- BPCL, Fathua, Patna-803201 (8) Dy. General Secretary, Bharat Petroleum Corporation Ltd. Employees Union, C/O- BPCL, Eastern Regional Office, Bharat Bhavan, Plot No.- 31, C.I.T Scheme, Prince Gulam Md. Shah Road, Golf Green, Kolkata, Pin Code-700095 for adjudication to this tribunal.

SCHEDULE

“ Whether the workers engaged by the Contractors for loading Unloading at LPG Botling Plant, BPCL, Fathua, Patna for Distributors-cum-Transportor in BPCL, Fathua is “ Workman” of BPCL, Fathua under ID Act, 1947?” If yes, whether the demand of the Bharat petroleum Corporation Ltd Employees Union, Bihar for these workers engaged by the Contractors for Distributors-cum-Transportor in BPCL, Fathua for hike in the wages of the loading unloading workers for Rs. 500/- per 10 wheels truck and Rs. 300/- per 6 wheels truck from the existing rate of Rs. 250/- per 10 wheels truck and Rs 180/- per 6 wheels truck respectively, is proper, just and legal under ID Act, 1947? If yes, to what relief these workers concerned are entitled to? What other directions, if any, are necessary in the matter?”

2. After receiving the notification of the above reference case on 09.12.2019, notices to all the parties were issued from this tribunal but only management no.- 1 & 2 BPCL appeared before this tribunal. The management M/S Janta Transport Service, M/S Raj Roadways and M/S Bibha Bharat Gas Gramin Vitrak did not turn-up even after receiving the registered notice issued by this tribunal, accordingly proceeding against all the these three parties of management side have been initiated ex-parte. Other two management parties M/S Royal Havard Marketing Solution and M/S Chandra Enterprises were also intimated through registered post but due to the in correct address, their notice was returned back. Accordingly, the principal management BPCL was directed to furnish the correct address of these two management but it was not made available by the principal management side the BPCL. This tribunal further finds that statement of claim has been filed by the workman / union sides on 26.07.2022 later on the principal

management BPCL filed written statement on 16.01.2023 thereafter both the workman side and the principal management BPCL were directed to furnish list of witnesses and documents but in the mean time management side and the workman / union side apprised to this tribunal, negotiation is on between the two sides to resolve the dispute. This tribunal further finds that General Secretary, Bharat Petroleum Corporation Ltd. Employee's Union has sent a letter to this tribunal mentioning therein " we have signed an agreement on wages and other matter with M/S Bharat Petroleum Corporation Ltd on 28.03.2023. As per clause-3(b) of the said agreement, we are to withdraw our cases being pending before any court of law / conciliation. Hence we withdraw our subject dispute as per the agreement dt-28.03.2023.

3. On the basis of the said letter, this tribunal directed to the management and workman sides as well to file agreement details relating to the dispute assigned to this tribunal by way of instant reference case. This tribunal further finds that a petition have been filed on behalf of the BPCL Employees Union, Fathua mentioning therein the matter related in the instant case has been amicably settled out sides the court and an agreement has been prepared between Transport of BPCL, Fathua LPG Unit and the Contractors M/S Subhadra Enterprises in connection with rate of loading and unloading and other matters the agreement was duly signed and it is also prayed that now there is no dispute left so "No Dispute Award" may be passed. This tribunal further finds that the management side also conceded the prayer made by the workman side.

4. Considering all the facts and circumstance of the case and material available on the record as discussed above, this tribunal find that this reference is to adjudicate about the demand of BPCL Employees Union, Bihar for their workers engaged by the contractors for Distributors-cum-Transporter in BPCL, Fathua, for hike in the wages of the loading and unloading is proper and legal. This tribunal further finds that during the course of the proceeding the referred dispute has been resolved between the two sides and accordingly agreement paper has been prepared and on the basis of the said agreement the workman / union side apprised this tribunal that their dispute is resolved by a written agreement and further the General Secretary of the BPCL Employee Union also sent a letter regarding withdrawal of the case by virtue of said agreement. Accordingly this tribunal finds and hold that now no dispute exist between the aggrieved workman / union sides and the management of BPCL. Accordingly this tribunal has no option than to pass " No Dispute Award". Thus this tribunal pass "No Dispute Award" accordingly. This award is effected after date of publication in gazette.

This is my award accordingly.

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 1 फरवरी, 2024

का.आ. 191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और मिनू कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (108/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-52]

सलोनी, उप निदेशक

New Delhi, the 1st February, 2024

S.O. 191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 108/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Minku Kumar.Worker.

[No. L-12025/01/2024- IR(B-I)-52]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.108/2016

Registered On:-11/11/2016

Minku Kumar S/o Sh. Raj Kumar R/o H.No.10, Sanjay Colony, Patiala, C/o Harpreet Singh
Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1.The Admn. Commander, Station Head Quarter, Military Area, Patiala.

2.Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Sh. Minku Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 1 फरवरी, 2024

का.आ. 192.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और परमजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (107/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-51]

सलोनी, उप निदेशक

New Delhi, the 1st February, 2024

S.O. 192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 107/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Paramjit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-51]

SALONI, Dy. Director

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.107/2016

Registered On:-11/11/2016

Paramjit Kaur W/o Sh. Lakhvir Singh R/o Village Passiana Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Paramjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 1 फरवरी, 2024

का.आ. 193.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और विक्की, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (106/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-50]

सलोनी, उप निदेशक

New Delhi, the 1st February, 2024

S.O. 193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 106/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Vicky.Worker.

[No. L-12025/01/2024- IR(B-I)-50]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.106/2016

Registered On:-11/11/2016

Vicky S/o Sh. Surjit Singh R/o H.No.54, Sanjay Colony, Patiala C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Sh. Vicky has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 1 फरवरी, 2024

का.आ. 194.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और मनजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (109/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-53]

सलोनी, उप निदेशक

New Delhi, the 1st February, 2024

S.O. 194.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 109/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Manjit Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-53]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.109/2016

Registered On:-11/11/2016

Manjit Kaur W/o Malkit Singh R/o H.No.501, Div. No.14 Dhuru Di Basti Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Manjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 1 फरवरी, 2024

का.आ. 195.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सुनीता रानी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (110/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-54]

सलोनी, उप निदेशक

New Delhi, the 1st February, 2024

S.O. 195.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 110/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sunita Rani.Worker.

[No. L-12025/01/2024- IR(B-I)-54]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.110/2016

Registered On:-11/11/2016

Sunita Rani W/o Jasvir Singh R/o Village Passiana Tehsil & Distt. Patiala C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Sunita Rani has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 1 फरवरी, 2024

का.आ. 196.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट फेज़-I, पटियाला, संबद्ध नियोजको और सिमरनजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (111/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-55]

सलोनी, उप निदेशक

New Delhi, the 1st February, 2024

S.O. 196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 111/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Simranjit Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-55]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.111/2016

Registered On:-11/11/2016

Simranjit Kaur W/o Sukhchain Singh Village Jahlan Ranbirpura Distt. Patiala C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Simranjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 2 फरवरी, 2024

का.आ. 197.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और बलजिंदर सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (112/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-56]

सलोनी, उप निदेशक

New Delhi, the 2nd February, 2024

S.O. 197.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 112/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Baljinder Singh.Worker.**

[No. L-12025/01/2024- IR(B-I)-56]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.112/2016

Registered On:-11/11/2016

Baljinder Singh S/o Sh. Jarnail Singh R/o H.No.263, VPO Lang Distt. Patiala C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Baljinder Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 2 फरवरी, 2024

का.आ. 198.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175,

अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सोहनजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (113/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-57]

सलोनी, उप निदेशक

New Delhi, the 2nd February, 2024

S.O. 198.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 113/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sohanjit Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-57]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 113/2016

Registered On:-11/11/2016

Sohanjit Kaur W/o Sh. Satnam Singh R/o Village Passiana Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Sohanjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 2 फरवरी, 2024

का.आ. 199.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और श्रीमती ममता, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (114/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-58]

सलोनी, उप निदेशक

New Delhi, the 2nd February, 2024

S.O. 199.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 114/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court-I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Smt. Mamta.Worker.**

[No. L-12025/01/2024- IR(B-I)-58]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 114/2016

Registered On:-11/11/2016

Smt. Mamta W/o Sam Sain Chinda R/o H.No.63-B, Kallar Colony, Patiala C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Mamta has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 2 फरवरी, 2024

का.आ. 200.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सुभाष कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (115/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-59]

सलोनी, उप निदेशक

New Delhi, the 2nd February, 2024

S.O. 200.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 115/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Subhash Kumar.Worker.**

[No. L-12025/01/2024- IR(B-I)-59]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 115/2016

Registered On:-11/11/2016

Subhash Kumar S/o Sh. Randhir Kumar R/o H.No.51, St. No.5, Sanour Road, Patiala C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Subhash Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 2 फरवरी, 2024

का. आ. 201.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक आई.आई.टी. मंडी, कमांद, जिला मंडी, (हिमाचल प्रदेश), एमडी/सीईओ न्यूविज़न कमर्शियल एंड एस्कॉर्ट सर्विसेज, मेहली, शिमला, हिमाचल प्रदेश, के प्रबंधन के संबद्ध नियोजकों और श्री कृष्णा देवी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ पंचाट(संदर्भ संख्या 01/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01/02/2024 को प्राप्त हुआ था।

[सं. एल – 42025-07-2024-23-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd February, 2024

S. O. 201.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 01/2019**) of the **Central Government Industrial Tribunal cum Labour Court –1, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation **The Director I.I.T. Mandi, Kamand, Distt. Mandi, (H.P.), The MD/CEO Nuvision Commercial & Escort Services, Mehli, Shimla, H.P.** and **Shri Krishna Devi, Worker**, which was received along with soft copy of the award by the Central Government on **01/02/2024**.

[No. L- 42025-07-2024-23- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,
CHANDIGARH.**

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.01/2019

Registered On:-02.04.2019

Krishna Devi W/o Sh. Ram Dass, R/o Village and P.O. Marathu, Tehsil Sadar, District Mandi, H.P.

.....Workman

Versus

1. The Director I.I.T. Mandi at Kamand, V.P.O. Kamand, Distt. Mandi, H.P.
2. The MD/CEO Nuvision Commercial & Escort Services, H.O. Ashirwad Sadan, Mehli, Shimla, H.P.

.....Respondents

Award

Passed On:-11.01.2024

1. The workman Smt. Krishna Devi has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing written statement by respondent No.2 but none is responding on its behalf as well as workman is also not responding from several dates. Several opportunities have already been given to the respondent No.2 for filing written statement, as workman is also not responding from several dates which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 2 फरवरी, 2024

का. आ. 202.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरीसन इंजीनियर (वायु सेना) एमईएस, वायु सेना स्टेशन, हलवारा, लुधियाना; मैसर्स चौधरी इंटरप्राइजेज, निवासी नई आबादी अकाल घर, 45, पीर बाबा तारुशों रोड, पंजाब, के प्रबंधन के संबद्ध नियोजकों और महासचिव, एमईएस

कॉन्ट्रैक्ट वर्कर्स यूनियन (एडी), हलवारा सी/ओ सीटू कार्यालय, रायकोट, लुधियाना, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ पंचाट (संदर्भ संख्या 130/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01/02/2024 को प्राप्त हुआ था।

[सं. 14011/11/2018 -आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd February, 2024

S.O. 202.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 130/2018**) of the **Central Government Industrial Tribunal cum Labour Court –I, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation **The Garrison Engineer (Air Force) MES, Air Force Station, Halwara, Ludhiana ; M/s Choudhary Enterprises, R/o New Abadi Akal Gharh, 45, Peer Baba Tarushaw Road, Punjab, and The General Secretary, MES Contract Workers Union (AD), Halwara C/o CITU Office, Raikot, Ludhiana**, which was received along with soft copy of the award by the Central Government on **01/02/2024**.

[No. L- 14011/11/2018 - IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.130/2018

Registered On: 21.01.2019

General Secretary, MES Contract Workers Union (AD), Halwara C/o CITU Office, H.No.180, Partap Nagar, New Abadi, Akalgarh, The-Raikot, Ludhiana-141109.

.....Workman

Versus

1. Garrison Engineer (Air Force) MES, Air Force Station, Halwara, Ludhiana-141109.
2. M/s Choudhary Enterprises, R/o New Abadi Akal Gharh, 45, Peer Baba Tarushaw Road, Punjab-141106.

.....Managements

AWARD

Passed On: 11.01.2024

Central Government vide Notification No. L-14011/11/2018 (IR(DU)) dated 20.11.2018, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand MES Contract Workers Union, AD Halwara, for reinstatement of terminated contract workman namely 1. Sh. Gurpreet Singh S/o Sh. Naib Singh 2. Sh. Santokh Singh S/o Sh. Amreek Singh and 3. Sh. Sukhdeev Singh S/o Sh. Gurcharan Singh against Garrison Engineer (Air Force), MES, Air Force Station, Halwara and M/s Chaudhary Enterprises, Halwara is legal, fair and justified? If yes, than what relief union/ workmen are entitled to and from which date?”

1. During the pendency of the proceedings before this Tribunal the case was fixed for filing replication by workman but none is responding on behalf of workman. It is submitted by the Ld. Counsel for the management that workman is not turning up since long and prayed for dismissal of the present claim petition.
2. Perused the file and it is found that the submissions made by the Ld. Counsel for management is true. Several opportunities have already been given to the workman to file replication but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 2 फरवरी, 2024

का. आ. 203.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक (प्रभारी), सीएस एवं एफपी, बीएचईएल, जगदीशपुर, अमेठी, के प्रबंधन के संबद्ध नियोजकों और श्री रामराज गुप्ता, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय- लखनऊ पंचाट (संदर्भ संख्या 32/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01/02/2024 को प्राप्त हुआ था।

[सं. एल – 42025-07-2024-24-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 2nd February, 2024

S. O. 203.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2018) of the **Central Government Industrial Tribunal cum Labour Court – Lucknow**, as shown in the Annexure, in the Industrial dispute between the employers in relation **The General Manager (In-charge), CS & FP, BHEL, Jagdishpur, Amethi, and Shri Ramraj Gupta, Worker**, which was received along with soft copy of the award by the Central Government on 01/02/2024.

[No. 42025-07-2024-24- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 32/2018

RAM RAJ V/s BHEL

BETWEEN

Ramraj Gupta S/o Janki Prasad Gupta

R/o Village & post- Gairav District-Barabanki (U.P.)

Workman

AND

General Manager (In-charge),

CS & FP

BHEL

Jagdishpur, Distt.-Amethi

..... Opp. Party

AWARD

Facts in brief as taken by Ramraj Gupta & 18 others in their claim statement filed on 14.12.2018 that they were working and discharging duties in the CS & FP BHEL Jagdishpur from last 10 years however without following the provisions of Section 25(F) of the Industrial Dispute Act, 1947 (hereinafter referred as “Act”) their services were retrenched/terminated with effect from 28.02.2018.

In view of the said factual background they prayed for the following relief in the present case.

अतः श्रीमान जी से विन्नम प्रार्थना है कि मानवीय दृष्टिकोण को ध्यान में रखते हुये हम सभी श्रमिकों को पुनः रोजगार दिलाने व नौकरी निकाले जाने की तिथि 28.02.2018 से आज तक मय वेतन सहित नौकरी से बहाल कराया जायें ताकि हम सभी अपने परिवार का भरण-पोषण कर सकें तथा सुखमय जीवन व्यतीत कर सकें। महान दया होगी।

On behalf of the respondent i.e. CS & FP BHEL written statement was filed in which the defence was taken that the claimants are contractual employees through M/s Ideal Security Service Private Limited when, their term of contract was completed on 28.02.2018 they were retrenched so not entitled for any relief.

On 27.06.2019 workman filed written statement.

Thereafter on behalf of the respondent by means of application dated 17.05.2023 the documents filed, details of which are given herein below:-

List of documents for and on behalf of respondent company.

Sl. No.	Particulars	Page No.
1.	The copy of registration of principal employer under Contract Labour (Regulation And Abolition) Act, 1970	1-3
2.	The copy of tender notice/publication	4-33
3.	The copy of work order	34-37
4.	The copy of agreement executed between principal employer and contractor	38-48
5.	The copy of ESIC and EPF code of Principal employer and contractor both.	49-50

From the perusal of order-sheet the position which emerged out that 25.03.2019 time was granted to workman to file rejoinder thereafter the time was granted for the said purpose on 23.04.2019, 04.06.2019, 27.06.2019 and 28.09.2019.

Lastly on 31.10.2023 order was passed the same quoted herein below:-

31.10.2023

Matter taken up in revised list.

Parties absent.

In spite of last opportunity rejoinder is not filed, accordingly opportunity for rejoinder is closed.

List on 16.01.2024 for ex-parte hearing.

Today when the matter was taken up in the revised cause list neither the workmen nor their legal representative present.

Sri. A.K. Singh learned counsel for respondent is present.

Accordingly after hearing the learned counsel for respondent, going through the record and in view of the above said facts and taking into consideration the law as laid by the Hon'ble High Court in the case of V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194 as under:

"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary- cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workmen/claimants have not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workmen are not entitled for any relief.

Award as above.

JUSTICE ANIL KUMAR, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 204.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (सन्दर्भ संख्या 23/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 5th February, 2024

S.O. 204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 23/2013**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN, N., Dy. Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/RC/23/2013

Present: P.K.Srivastava

H.J.S..(Retd)

Shyam Das Kurre deceased during pendency

Represented by his legal representatives.

S/o Shri Tangu

Village: Sumedha

P.O:- Balgi Project

Dist- Korba

APPLICANT

Versus

South Eastern Coalfields Limited

Through Sub Area Manager,

SECL, Banki Colliery

Post: Banki Mongra,

Dist. Korba (CG)

NON-APPLICANTS

ORDER**(Passed on this 27th day of December-2023.)**

1. The workman Shyam Das Kurre has filed the petition under section 2A(2&3) of Industrial Disputes Act 1947 against his allegedly unlawful disengagement.

2. After registering a case on the basis of the petition, notices were sent to the parties.

3. Parties appeared and filed their respective statements of claim and defence.

4. It is the **case of the workman**, as put up in his statement of claim, that the management of South Eastern coalfields Ltd is a subsidiary of Coal India Ltd and is involved in production and dispatch of coal in the state of Chhattisgarh and M.P. The Workman was first appointed as category 1 general mazdoor in the year 1975 and had been in an employment of the management till the date of his dismissal from service which is against law according to him. He was falsely implicated in a first information report registered against him and his family members in P.S.Banki Moghra District Korba Chhattisgarh registered under section 323/326/149 IPC with the relation to an incident occurred in his native village Sumedha. He was wrongly convicted for the charges mentioned in the first information report by the Court of Judicial Magistrate first-class wide judgment dated July 17, 2001. He preferred of criminal appeal before the Court of Sessions Judge Bilaspur, which was registered as Criminal appeal number 129/2001 which was also dismissed by the Court of Additional Sessions Judge Bilaspur. Thereafter, he filed a Criminal Revision number 343/2004 Phathey & others Vs State before the Hon'ble High Court of Chhattisgarh. His sentence and conviction both were stayed by Hon'ble High Court by order dated March 30, 2005. It is further, the case of the workman that he was in jail in this case, for a total period of 19 days with effect from June 26, 2004 to July 14, 2004. It is further, the case of the Workman that the management issued a chargesheet him on October 24, 2005 despite the fact that his conviction was already stayed by Hon'ble High Court before the date the chargesheet was issued against him. **Charge against him was that he was convicted for criminal offence by Court of law involving moral turpitude, which is misconduct and renders him liable for dismissal from service under paragraph 26.8 of standing orders governing his service conditions.** He was asked to undergo an enquiry though he had already submitted that his conviction itself was listed by Hon'ble High Court. Hence, the disqualification attached to him on the basis of his conviction was not attracted against him. He placed this fact and submission before the enquiry officer during the enquiry but the enquiry officer wrongly submitted a report of enquiry, holding him guilty for the charge of misconduct under paragraph 26.8 of standing order. The disciplinary authority also passed sentence of his dismissal from service under paragraph 26.8 of standing orders ignoring his case that the disqualification consequent to conviction was not attracted because the conviction itself was stayed by Hon'ble High Court. According to the workman, the charge for which he was convicted was not an act of moral turpitude. Hence, paragraph 26.8 of his standing order was not applicable to him. Secondly, since his conviction was stayed, the disqualification consequent to conviction could not be attributed to him. Accordingly, the workman has prayed that, holding his dismissal against law, he be held entitled to be reinstated with all back wages and benefits.

Case of management, as mentioned in its written statement of defence, is mainly that he was prosecuted by the state, along with others before the Court of Judicial Magistrate Khat ghora in criminal case number 2649/97 u/s 326/149, 148 /149 , 323 /149 IPC and was convicted for the charges wide judgment and sentence dated July 17, 2001. He was awarded rigorous imprisonment for three years and fined Rs. 5000/- along with co-accuseds for the charge under section 326/149 IPC, further, was sentenced with a fine of Rs. 5000/-for the charge under section 148 IPC and with fine of Rs. 1000 /-for the charge under section 323/149 IPC, failing which rigorous imprisonment for three months. Criminal appeal against this conviction and sentence was dismissed by the court of Additional Sessions Judge Bilaspur in Criminal appeal number 129/01 filed by the workman and co-convicts and the sentence as well conviction recorded by the Court of Magistrate was upheld. He filed a Criminal Revision number 343/04 before High Court of Chhattisgarh. Hon'ble High Court was pleased to stay the order of his conviction as well the sentence wide its order dated March 30, 2005. According to management, the outcome of the Criminal Revision pending before Hon'ble High Court was not disclosed by the workman in his statement of claim. It is further, the case of management that a departmental enquiry was conducted by the management in the light of paragraph 28.6 of standing order in which the workman was given full opportunity to put his case. The enquiry officer submitted his enquiry report dated April 04, 2006, which was served on the workman and after hearing his side, the dismissal order was passed by the disciplinary authority on April 27 2006. According to management, a convicted person is not entitled to be retained in service till his conviction was set aside by a court of law.

5. Workman filed his rejoinder in which he mainly reiterated his claim.

The **Following issues** were framed by my learned predecessor, while his order dated October 26, 2016-

1-Whether the enquiry conducted against the Workman is just proper and legal?

2-Whether the charges imposed against the Workman are proved from evidence?

3-Whether the punishment of dismissal imposed against the Workman is proper and legal?

4-If not, what relief the Workman is entitled to?

6. The workman filed his affidavit in evidence. He was cross-examined by management. He filed documents which are admitted by management. They have been marked Ex W1 to ExW7. They are- dismissal order, order of Hon'ble High Court dated July 9, 2004, order of Hon'ble High Court dated March 30, 2005, chargesheet dated October 24, 2005, reply dated October 26, 2005 to the chargesheet, later dated August 1, 2005 addressed to Assistant Labour Commissioner (all Copies). Management has examined its witness who has been cross-examined from the workman side. Management has proved Ex M1 to Ex M12 which are enquiry proceedings, chargesheet, reply, dismissal order etc.

7. During the course of the proceedings, the workman died and his legal representatives have been brought on record.

8. The case was fixed for argument on preliminary issue. Learned counsel Sri R.Mukhopadhyay appeared from the side of Workman and learned counsel Sri Anup Nayyar appeared from the side of management. Both the sides agreed that final arguments can be heard and the reference can be decided after hearing final argument itself because the facts are almost admitted by the parties and the case rests on certain law points only. Hence, with the consent of learned counsel for both the sides, final arguments were heard. I have also gone through the record.

9. Learned counsel for workman has relied on following case laws-

1-Ravikant V.Patil Vs Sarwabhoma S.Bagli (2007)1 SCC 673 Para 15&17.

2-Navjot Singh Siddhu Vs State of Punjab(2007)2 SCC 574 Para 4,5,6.

3-M/S Glaxo Industries Vs Labour Court (1984)1 SCC 1 Para 5,7,9,13,18,22,24.

4-A.L.Kalra Vs Prproject & Equipment Corpn (1984)3 SCC316 Para33,32,31.

5-Vijai Singh Vs State of U.P.& others (2012)5 SCC 242. Para 20 &21.

10. Learned counsel for management has referred to following case laws-

1-Kalabharti Advertising Vs Hemant Vimalnath & others (2010)9 SCC437 Para 23.

2- Dy Manager Collegiate Education Vs Nagoor Meera (1995) SCC 377 Para 9.

11. Issue number one –

The workman has been charged for misconduct under paragraph 26.8 of standing orders framed under National coal wage agreement. This provision reads as follows.

Conviction for a criminal offence involving act of moral turpitude.

Learned counsel for the workman has attacked the the departmental enquiry officer on two grounds mainly. They are **firstly**, since conviction was stayed, the disqualification attached with the conviction had come to an end and **secondly**, the charges were not acts of moral turpitude. Learned counsel for management has controverted these arguments with counter argument that finally the Criminal Revision was dismissed and order of conviction was affirmed by Hon'ble High Court. Hence, any interim order staying the conviction merged in the final order and the conviction of the workman was for an act of moral turpitude. He has further submitted that no employer could afford a convicted person in his employment.

From the plain reading of enquiry papers and his statements of witnesses from both the sides on enquiry, it comes out that the procedural formalities, required to be observed in a departmental enquiry, have been observed in the enquiry against the Workman in the departmental enquiry against the Workman in the case in hand. He has been given show cause notice, his reply has been taken, he has been served the chargesheet, he has been given full opportunity to have his say during the enquiry and has also been served the copy of enquiry report. He has also been given opportunity by the disciplinary authority to have his say, before passing any punishment order against him for the misconduct and has availed it. Hence, procedurally the enquiry cannot be held to have suffered by any infirmity or irregularity. The main issue is that when admittedly, before the departmental enquiry was initiated, the conviction of the workman was stayed by Hon'ble High Court, was it at all legal for the management to hold enquiry for a misconduct, the basis of which was conviction of the workman in a criminal case under section149, 149 r/w 323 & 149 r/w 326 IPC though appeal against the conviction and sentence was dismissed by the court of appeal and sentence as well conviction where he stayed by Hon'ble High Court in a Criminal Revision against the order of appellate court upholding the conviction and sentence passed by the Court of Judicial Magistrate.

In the case of **Ravi Kant as Patil (supra)** and **Navjote Singh Sidhu (supra)**, and referred to by the learned counsel for the workman, it has been held that effect of staying order of conviction would render the order of conviction non-operating from the date of stay and consequently the disqualification arising out of conviction would also ceased to operate. As submitted by learned counsel, the conviction of the workman was stayed. Hence the disqualification regarding his continuing in service of management had also ceased to operate. It is further, the argument of learned counsel that since the workman was disqualified to continue in an employment of management because he was

convicted for a criminal charge, this disqualification ceased to operate from the date the order regarding staying his conviction was passed by Hon'ble High Court. Hence, as submitted by learned counsel, the charge of misconduct as mentioned above, and the departmental enquiry for the charge could not be held legal.

On the other hand, learned counsel for management has submitted that ultimately, the Criminal Revision was dismissed and the conviction was confirmed by Hon'ble High Court, though he admits that sentence were reduced to period undergone which was 19 days in the case in hand. As submitted by learned counsel, the order staying conviction was an interim order, which merged in the final order confirming the conviction. In the **case of Kalabharti (supra)** referred to by the learned counsel for management on this point, following observation of Hon'ble the Apex Court required to be reproduced as follows:-

“it is not permissible for a party to file a writ petition, obtaining certain orders during pendency of the petition and withdraw the same without getting proper adjudication of the issue involved therein and insist that benefits of interim orders over consequential orders passed in pursuance of the interim order passed by the writ court would continue. The benefit of interim order automatically gets withdrawn/neutralised on withdrawal of the said petition. In such a case concept of restitution becomes applicable otherwise the party would continue to get the benefit of interim order, even after losing the case in court.”

In the case referred, certain interim orders were obtained in a writ petition and after availing benefit under the interim orders, the writ petition was withdrawn. Hon'ble the Apex Court disapproved such an act. Hence, it is clear that this judgment does not help the case of management. Undisputed between the parties is the fact that the Criminal Revision was decided much after the date of superannuation of the workman. The principal of law laid down by Hon'ble the Apex Court in the cases referred to by learned counsel for workman are more close to the facts of case in hand. Hence, the action of holding departmental enquiry for misconduct on the ground of criminal conviction when the conviction itself was stayed cannot be held justified in law.

In the other case of Dy. Director of education (supra) referred to by the Learned Counsel for management, paragraph of the judgment quoted by him is as follows-

This extract is taken from *Dy. Director of Collegiate Education (Admn.) v. S. Nagoor Meera*, (1995) 3 SCC 377 : 1995 SCC (L&S) 686 : (1995) 29 ATC 574 at page 381

“9. The Tribunal seems to be of the opinion that until the appeal against the conviction is disposed of, action under clause (a) of the second proviso to Article 311(2) is not permissible. We see no basis or justification for the said view. The more appropriate course in all such cases is to take action under clause (a) of the second proviso to Article 311(2) once a government servant is convicted of a criminal charge and not to wait for the appeal or revision, as the case may be. If, however, the government servant-accused is acquitted on appeal or other proceeding, the order can always be revised and if the government servant is reinstated, he will be entitled to all the benefits to which he would have been entitled to had he continued in service. The other course suggested, viz., to wait till the appeal, revision and other remedies are over, would not be advisable since it would mean continuing in service a person who has been convicted of a serious offence by a criminal court. It should be remembered that the action under clause (a) of the second proviso to Article 311(2) will be taken only where the conduct which has led to his conviction is such that it deserves any of the three major punishments mentioned in Article 311(2). As held by this Court in *Shankar Dass v. Union of India* [(1985) 2 SCC 358 : 1985 SCC (L&S) 444 : 1986 SCC (Cri) 242] : (SCC p. 362, para 7)”

“Clause (a) of the second proviso to Article 311(2) of the Constitution confers on the Government the power to dismiss a person from service ‘on the ground of conduct which has led to his conviction on a criminal charge’. But that power like every other power has to be exercised fairly, justly and reasonably. Surely, the Constitution does not contemplate that a government servant who is convicted for parking his scooter in a no-parking area should be dismissed from service. He may, perhaps, not be entitled to be heard on the question of penalty since clause (a) of the second proviso to Article 311(2) makes the provisions of that article inapplicable when a penalty is to be imposed on a government servant on the ground of conduct which has led to his conviction on a criminal charge. But the right to impose a penalty carries with it the duty to act justly.”

It is clear that the facts and issues involved in the referred case are different hence this judgment also does not help him.

Accordingly, **in the light of above discussion and findings, the departmental enquiry is held against law in the case in hand and issue number one is answered accordingly.**

12. Issue number two –

As regards issue number two, whether the charge of criminal conviction for an act of moral turpitude was proved against the Workman or not, it should be kept in mind **that dispute in this case is whether the act for which the Workman was convicted was an act of moral turpitude or not.**

The standing orders do not define what are the acts of moral turpitude. The General Clauses Act also does not define what are the acts of moral turpitude. Hence, we will have to go by the dictionary meaning or the established social norms.

Following observations of Hon'ble the Apex Court in the case of **The State Bank Of India And Ors. vs P. Soupramaniane** CIVIL APPEAL No. 7011 of 2009 on **26 April, 2019** <https://indiankanoon.org/doc/179282359> require to be mentioned here and are being mentioned as follows-

"Though we do not agree with the reasons given by the High Court for setting aside the order of discharge of the Respondent from service, it is necessary to examine whether Section 10 (1)(b)(i) of Banking Regulation Act is applicable to the facts of the case. Conviction for an offence involving moral turpitude disqualifies a person from continuing in service in a bank. The conundrum that arises in this case is whether the conviction of the Respondent under Section 324 IPC can be said to be for an offence involving moral turpitude.

Moral Turpitude' as defined in **the Black's Law Dictionary** (6th ed.) is as follows:

"The Act of baseness, vileness, or the depravity in the private and social duties which man owes his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man. Implies something immoral in itself regardless of it being punishable by law; restricted to the gravest offences, consisting of felonies, infamous crimes, and those that are malum in se and disclose a depraved mind."

According to **Bouvier's Law Dictionary**, 'Moral Turpitude' is :

"An act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man."

Burton Legal Thesaurus defines 'Moral Turpitude' as :

"Bad faith, bad repute, corruption, defilement, delinquency, discredit, dishonor, shame, guilt, knavery, misdoing, perversion, shame, ice, wrong." 3 p. 1008 4 p. 1517

There is no doubt that there is an obligation on the Management of the Bank to discontinue the services of an employee who has been convicted by a criminal court for an offence involving moral turpitude. **Though every offence is a crime against the society, discontinuance from service according to the Banking Regulation Act can be only for committing an offence involving moral turpitude.**

Acts which disclose depravity and wickedness of character can be categorized as offences involving moral turpitude. Whether an offence involves moral turpitude or not depends upon the facts and the circumstances of the case. **Ordinarily, the tests that can be applied for judging an offence involving moral turpitude are:**

- a) Whether the act leading to a conviction was such as could shock the moral conscience or society in general;
- b) Whether the motive which led to the act was a base one, and
- c) Whether on account of the act having been committed the perpetrators could be considered to be of a depraved character or a person. The other important factors that are to be kept in mind to conclude that an offence involves moral turpitude are-the person who commits the offence; the person against whom it is committed; the manner and circumstances in which it is alleged to have been committed; and the values of the society.

13. According to **the National Incident – Based Reporting System (NIBRS)**, a crime data collection system used in the United States of America, each offence belongs to one of the three categories which are: crimes against persons, crimes against property, and crimes against society. Crimes against persons include murder, rape, and assault where the victims are always individuals. The object of crimes against property, for example, robbery and burglary is to obtain money, property, or some other benefits. Crimes against society for example gambling, prostitution, and drug violations, represent society's prohibition against engaging in certain types of activities. Conviction of a crime involving moral turpitude is a ground for deportation under the Immigration Law in the United States of America. **To qualify as a crime involving moral turpitude for such purpose, it requires both reprehensible conduct and scienter, whether with specific intent, deliberateness, willfulness or recklessness.**

14. There can be no manner of doubt about certain offences which can straightaway be termed as involving moral turpitude e.g. offences under the Prevention of Corruption Act, NDPS Act, etc. **The question that arises for our consideration in this case is whether an offence involving bodily injury can be categorized as a crime involving moral turpitude. In this case, we are concerned with an assault. It is very difficult to state that every assault is not an offence involving moral turpitude. A simple assault is different from an aggravated assault. All cases of assault or simple hurt cannot be categorized as crimes involving moral turpitude. On the other hand, the use of a dangerous weapon which can cause the death of the victim may result in an offence involving moral turpitude. In the instant case, there was no motive for the Respondent to the death of the victims. The criminal courts below found that the injuries caused to the victims were simple in nature. On an overall consideration of**

the facts of this case, we are of the opinion that the crime committed by the Respondent does not involve moral turpitude. As the Respondent is not guilty of an offence involving moral turpitude, he is not liable to be discharged from service.

15. For the aforementioned reasons, we affirm the judgment of the High Court. The Appeal is dismissed accordingly.”

In its judgment in the case of **Sushil Kumar Singhal Vs Regional Manager Punjab National Bank (2010)8 SCC573**, the Supreme Court has made some observations in this respect. Paragraph 22 to 24 of this judgment are being reproduced as follows-

This extract is taken from *Sushil Kumar Singhal v. Punjab National Bank*, (2010) 8 SCC 573 : (2010) 2 SCC (L&S) 674 : 2010 SCC OnLine SC 861 at page 580

23. “Moral turpitude” means per *Black's Law Dictionary* (8th Edn., 2004):

“Conduct that is contrary to justice, honesty, or morality. In the area of legal ethics, offenses involving moral turpitude—such as fraud or breach of trust. ... Also termed *moral depravity*. ...

‘Moral turpitude means, in general, shameful wickedness—so extreme a departure from ordinary standards of honest, good morals, justice, or ethics as to be shocking to the moral sense of the community. It has also been defined as an act of baseness, vileness, or depravity in the private and social duties which one person owes to another, or to society in general, contrary to the accepted and customary rule of right and duty between people.’ ”

(emphasis in original)

24. In *Pawan Kumar v. State of Haryana* [(1996) 4 SCC 17 : 1996 SCC (Cri) 583 : AIR 1996 SC 3300] this Court has observed as under : (SCC p. 21, para 12)

“12. ‘Moral turpitude’ is an expression which is used in legal as also societal parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity.”

The aforesaid judgment in *Pawan Kumar* [(1996) 4 SCC 17 : 1996 SCC (Cri) 583 : AIR 1996 SC 3300] has been considered by this Court again in *Allahabad Bank v. Deepak Kumar Bhola* [(1997) 4 SCC 1 : 1997 SCC (L&S) 897] and placed reliance on *Baleshwar Singh v. District Magistrate and Collector* [AIR 1959 All 71] wherein it has been held as under:

“The expression ‘moral turpitude’ is not defined anywhere. But it means anything done contrary to justice, honesty, modesty or good morals. It implies depravity and wickedness of character or disposition of the person charged with the particular conduct. Every false statement made by a person may not be moral turpitude, but it would be so if it discloses vileness or depravity in the doing of any private and social duty which a person owes to his fellow men or to the society in general. If therefore the individual charged with a certain conduct owes a duty, either to another individual or to the society in general, to act in a specific manner or not to so act and he still acts contrary to it and does so knowingly, his conduct must be held to be due to vileness and depravity. It will be contrary to accepted customary rule and duty between man and man.”

16. In view of the above, it is evident that moral turpitude means anything contrary to honesty, modesty or good morals. It means vileness and depravity. In fact, the conviction of a person in a crime involving moral turpitude impeaches his credibility as he has been found to have indulged in shameful, wicked and base activities.”

The other judgment of the case of **Glaxo Industries (supra)** referred to by Learned Counsel for workman, the referred paras are being reproduced as follows-

This extract is taken from *Glaxo Laboratories (I) Ltd. v. Presiding Officer*, (1984) 1 SCC 1 : 1984 SCC (L&S) 42 at page 14

“Even where a disorderly or riotous behaviour without the premises of the factory constitutes misconduct, every such behaviour unconnected with employment would not constitute misconduct within the relevant standing order. Therefore, even where the standing order is couched in a language which seeks to extend its operation far beyond the establishment, it would none the less be necessary to establish causal connection between the misconduct and the employment. And that is the ratio of the decision, and not that wherever the misconduct is committed ignoring the language of the standing order if it has some impact on the employment, it would be covered by the relevant standing order. In order to avoid any ambiguity being raised in future and a controversial interpretation question being raised, we must make it abundantly clear and incontrovertible that the causal connection in order to provide linkage between the alleged act of misconduct and employment must be real and substantial, immediate and proximate and not remote or tenuous. An illustration would succinctly bring out the difference. One workman severely belaboured another for a (*sic*) duty on the next day. Would this absence permit the employer to charge the assailant for misconduct as it (*sic*) had on the working in the industry. The answer is in the negative. The employer cannot take advantage to weed out workman for incidents that occurred far away from his establishment.”

Now coming to the proved facts and circumstances of the case in hand and analysing them in the light of the principles of law laid down in the cases referred to above, following facts are established from evidence. They are **firstly**, the incident, forming the basis of charge of misconduct that is conviction for a criminal charge involving act of moral turpitude, did not occur in the premises of management, nor did it happen between the present Workman and his co-workers including his senior and junior colleagues. **Secondly**, this incident occurred rather in his ancestral village, far away from place of his work. **Thirdly**, it could be between the extended family members of the workman with respect to some family dispute. **Fourthly**, the workman was convicted for the charge under section 149 . Section 323 r/w 149 and section 149 r/w 326 IPC which goes to show that the workman was convicted because he was a member of the unlawful assembly, who inflicted simple and previous injury to the injured in prosecution of common object of the unlawful assembly. That is to say, the allegation that it was he who himself inflicted the injury was not there against the Workman, rather he was held vicariously liable for the acts of unlawful assembly being a member of that assembly. This is also nowhere in the evidence that any weaker section of society or children or women were injured in that incident. Testing these facts on the parameters regarding ascertainment on the point of acts of moral turpitude, definitely, these facts and charges cannot be said to be acts of moral turpitude by any parameter. This is also worth mentioning here that the ultimate sentence for the offences above mentioned was period of 19 days in custody at investigation/trial. Hence, on the basis of a discussion, **it is held that since the conviction of the workman was not for an act of moral turpitude, misconduct as mentioned in paragraph 26.8 of his standing order is not proved and issue number two is answered accordingly.**

17. Issue number three-

In the light of findings recorded when the misconduct as alleged against the Workman has been held not proved, the point arises for consideration is what relief the Workman is entitled to?

The relevant paragraphs of the season of Hon'ble the Apex Court in the case of *Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya*, (2013) 10 SCC 324 are being reproduced as follows-

This extract is taken from *Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya*, (2013) 10 SCC 324 : (2014) 2 SCC (L&S) 184 : 2013 SCC OnLine SC 719 at page 354

37. After noticing several precedents to which reference has been made hereinabove, the two-Judge Bench observed : (*J.K. Synthetics case* [(2007) 2 SCC 433 : (2007) 1 SCC (L&S) 651] , SCC pp. 448-50, paras 17-21)

“17. There is also a misconception that whenever reinstatement is directed, ‘continuity of service’ and ‘consequential benefits’ should follow, as a matter of course. The disastrous effect of granting several promotions as a ‘consequential benefit’ to a person who has not worked for 10 to 15 years and who does not have the benefit of necessary experience for discharging the higher duties and functions of promotional posts, is seldom visualised while granting consequential benefits automatically. Whenever courts or tribunals direct reinstatement, they should apply their judicial mind to the facts and circumstances to decide whether ‘continuity of service’ and/or ‘consequential benefits’ should also be directed.

18. Coming back to back wages, even if the court finds it necessary to award back wages, the question will be whether back wages should be awarded fully or only partially (and if so the percentage). That depends upon the facts and circumstances of each case. Any income received by the employee during the relevant period on account of alternative employment or business is a relevant factor to be taken note of while awarding back wages, in addition to the several factors mentioned in *Rudhan Singh [Haryana Roadways v. Rudhan Singh]*, (2005) 5 SCC 591 : 2005 SCC (L&S) 716] and *Uday Narain Pandey [U.P. State Brassware Corpn. Ltd. v. Uday Narain Pandey]*, (2006) 1 SCC 479 : 2006 SCC (L&S) 250] . Therefore, it is necessary for the employee to plead that he was not gainfully employed from the date of his termination. While an employee cannot be asked to prove the negative, he has to at least assert on oath that he was neither employed nor engaged in any gainful business or venture and that he did not have any income. Then the burden will shift to the employer. But there is, however, no obligation on the terminated employee to search for or secure alternative employment. Be that as it may.

18. But the cases referred to above, where back wages were awarded, related to termination/retranchment which were held to be illegal and invalid for non-compliance with statutory requirements or related to cases where the Court found that the termination was motivated or amounted to victimisation. The decisions relating to back wages payable on illegal retranchment or termination may have no application to the case like the present one, where the termination (dismissal or removal or compulsory retirement) is by way of punishment for misconduct in a departmental enquiry, and the court confirms the finding regarding misconduct, but only interferes with the punishment being of the view that it is excessive, and awards a lesser punishment, resulting in the reinstatement of employee. Where the power under Article 226 or Section 11-A of the Industrial Disputes Act (or any other similar provision) is exercised by any court to interfere with the punishment on the ground that it is excessive and the employee deserves a lesser punishment, and a consequential direction is issued for reinstatement, the court is not holding that the employer was in the wrong or that the dismissal was illegal and invalid. The court is merely exercising its discretion to award a lesser punishment. Till such power is exercised, the dismissal is valid and in force. When the punishment is reduced by a court as being excessive, there can be either a direction for

reinstatement or a direction for a nominal lump sum compensation. And if reinstatement is directed, it can be effective either prospectively from the date of such substitution of punishment (in which event, there is no continuity of service) or retrospectively, from the date on which the penalty of termination was imposed (in which event, there can be a consequential direction relating to continuity of service). What requires to be noted in cases where finding of misconduct is affirmed and only the punishment is interfered with (as contrasted from cases where termination is held to be illegal or void) is that there is no automatic reinstatement; and if reinstatement is directed, it is not automatically with retrospective effect from the date of termination. Therefore, where reinstatement is a consequence of imposition of a lesser punishment, neither back wages nor continuity of service nor consequential benefits, follow as a natural or necessary consequence of such reinstatement. In cases where the misconduct is held to be proved, and reinstatement is itself a consequential benefit arising from imposition of a lesser punishment, award of back wages for the period when the employee has not worked, may amount to rewarding the delinquent employee and punishing the employer for taking action for the misconduct committed by the employee. That should be avoided. Similarly, in such cases, even where continuity of service is directed, it should only be for purposes of pensionary/retirement benefits, and not for other benefits like increments, promotions, etc.

19. But there are two exceptions. The first is where the court sets aside the termination as a consequence of employee being exonerated or being found not guilty of the misconduct. Second is where the court reaches a conclusion that the inquiry was held in respect of a frivolous issue or petty misconduct, as a camouflage to get rid of the employee or victimise him, and the disproportionately excessive punishment is a result of such scheme or intention. In such cases, the principles relating to back wages, etc. will be the same as those applied in the cases of an illegal termination.

20. In this case, the Labour Court found that a charge against the employee in respect of a serious misconduct was proved. It, however, felt that the punishment of dismissal was not warranted and therefore, imposed a lesser punishment of withholding the two annual increments. In such circumstances, award of back wages was neither automatic nor consequential. In fact, back wages was not warranted at all."

21. The propositions which can be culled out from the aforementioned judgments are:

21.1. In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.

21.2. The aforesaid rule is subject to the rider that while deciding the issue of back wages, the adjudicating authority or the court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.

21.3. The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11-A of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved, then it will have the discretion not to award full back wages. However, if the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any misconduct or that the employer had foisted a false charge, then there will be ample justification for award of full back wages.

21.4. The cases in which the competent court or tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimising the employee or workman, then the court or tribunal concerned will be fully justified in directing payment of full back wages. In such cases, the superior courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc. merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The courts must always keep in view that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and the sufferer is the employee/workman and there is no justification to give a premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages.

21.5. In a number of cases, the superior courts have interfered with the award of the primary adjudicatory authority on the premise that finalisation of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer i.e. the employee or workman, who can ill-afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases it would be prudent to adopt the course suggested in *Hindustan Tin Works (P) Ltd. v. Employees* [*Hindustan Tin Works (P) Ltd. v. Employees*, (1979) 2 SCC 80 : 1979 SCC (L&S) 53].

21.6. The observation made in *J.K. Synthetics Ltd. v. K.P. Agrawal* [(2007) 2 SCC 433 : (2007) 1 SCC (L&S) 651] that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgments of three-Judge Benches [*Hindustan Tin Works (P) Ltd. v. Employees*, (1979) 2 SCC 80 : 1979 SCC (L&S) 53] , [*Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court*, (1980) 4 SCC 443 : 1981 SCC (L&S) 16] referred to hereinabove and cannot be treated as good law. This part of the judgment is also against the very concept of reinstatement of an employee/workman.

It is established from the record that after attaining the age of superannuation, the workman expired and at present, his legal representatives are pursuing the case. Since the workman is no more at present and he had already attained the age of superannuation, his reinstatement in job cannot be done. Accordingly, **holding the action of management, dated April 27, 2006 in dismissing the workman against law and unjustified, he is held entitled to the back wages and all service benefits, retiral and post retiral, treating himself to be in continuous service till the date of his superannuation. Issue number three is answered accordingly.**

AWARD

Holding the action of management, dated April 27, 2006 in dismissing the workman against law and unjustified, he is held entitled to the back wages and all service benefits, retiral and post retiral, treating himself to be in continuous service till the date of his superannuation. Issue number three is answered accordingly. No order as to cost.

P. K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 205.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (सन्दर्भ संख्या 90/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/66/2016-आई.आर- (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 5th February, 2024

S.O. 205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.90/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of S.E.C.L. and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/66/2016 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/90/2016

Present: P.K.Srivastava

H.J.S..(Retd)

The President,
Coal India Pensioners Association,
Branch Bishrampur Area,
Qtr No. 1B-32, Bishrampur
Distt- Surajpur (CG) -497226

Workman

Versus

The General Manager
SECL, Bishrampur Area
PO- Bishrampur Colliery
Distt- Surajpur(CG) -497226

Management

AWARD**(Passed on this 8th day of December-2023.)**

As per letter dated 29/09/2016 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number No. L-22012/66/2016(IR(CM-II)) dt.29/09/2016 . The dispute under reference related to :-

“Whether the action on the part of General Manager, Bishrampur area of SECL, in withholding the terminal benefits after retirement on quarter retention ground such as leave encashment and other dues as eligible in respect of Shri Govind Soni, Ex-Vehicle Driver espoused by the President, Coal India Pensioners Association, Bishrampur Branch is legal, appropriate and justified? If not, whether it is appropriate to recover the terminal dues from the employer.”

After registering a case on the basis of the reference, notices were sent to the parties. The association appeared and filed his statement of claim wherein it was stated that the workman Govind Ram Soni retired from the services of management after attaining the age of superannuation but the management has not paid his retirement dues completely and has requested that he be held entitled to receive the dues. did not file any statement of claim.

Management has filed its written statement of defence, wherein it has stated that firstly the applicant union that is Coal India Pensioners Association is not a registered trade union as it has no locus stand to raise the dispute and the reference may be answered against the applicant filed only on this ground.

It has further been pleaded that the reference is barred due to delay and laches on the part of the claimant side. It is further, the case of management that the claimant workman was employed as office superintendent with the management. He was allotted a residential accommodation by virtue of his employment. He got superannuation. He was under obligation to hand over the vacant possession of the house allotted to him during his service time after he superannuated, but he failed to do it and retained possession of the said house. Eviction proceedings were initiated against him before the estate officer and eviction order was passed on February 20, 2015 directing him to hand over vacant possession of the said house and also pay the arrears of rent as well the compensation for unauthorised use of the accommodation. An appeal against this order was dismissed by the District Judge Surajpur, while his order dated September 9, 2016 In a writ petition No WP(PIL)53/2016, the Honourable High Court of Chhattisgarh issued directions to get the accommodations vacated from the undersized occupants within the time frame.

According to the management, the applicant workman is under obligation to pay penal rent and municipal as well. Electricity charges for the accommodation till date of handing over of position of the said accommodation by the applicant workman, which he has not paid and against this dues, fees, leave encashment and settle in allowance has been withheld by the management. According to management, after withholding his dues as mentioned above, there is still a recovery against the applicant workman. Management has accordingly requested that the reference is answered against the applicant workman.

The management has filed an affidavit of its witness which is on record, wherein the witness has supported the claim of management. None appeared from the side of workman for cross-examination of management witness an opportunity of the applicant workman to cross-examine the management witness was closed.

At the time of argument, none appeared from the side of workman. I have heard the argument of Sri Anup Nair for management and have gone through the record.

The reference itself is the issue for determination.

Since applicant side has not filed any evidence in support of its claim, the case of workman is held not proved. From the pollution of affidavit of management witness, the case of management is held proved. Hence, in the light of above discussion and finding, the reference deserves to be answered against the applicant workman and is answered accordingly, holding the action of management is not against law.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 206.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (सन्दर्भ संख्या 88/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/64/2016-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 5th February, 2024

S.O. 206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.88/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/64/2016 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/88/2016

Present: P.K.Srivastava

H.J.S..(Retd)

The President,

Coal India Pensioners Association,

Branch Bishrampur Area,

Qtr No. IB-32, Bishrampur

Distt- Surajpur (CG)-497226

Workman

Versus

The General Manager

SECL,Bishrampur Area,

PO- Bishrampur Colliery

Distt-Surajpur (CG) -497226

Management

AWARD

(Passed on this 26th day of December-2023.)

As per letter dated 29/09/2016 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/64/2016 (IR(CM-II) dt.29/09/2016 . The dispute under reference related to :-

"Whether the action on the part of General Manager, Bishrampur Area of SECL in withholding the terminal benefits viz. leave encashment, PLRs, transport allowance and other terminal dues if any as per eligibility after retirement on illegal quarter retention ground in respect of Shri R.K. Ghosh, Ex- Office Superintendent by deviating SECL company quarter rule and the case espoused by the President, Coal India Pensioners Association, Bishrampur Branch is legal, appropriate and justified? If not, whether it is appropriate to recover above terminal dues from the employer as per Section 33-C(2) of ID act after payment of penal rent charges etc. by the ex-workman concerned to the management till the date of vacation of the quarter in the dispute?"

Undisputed facts in the case is that the workman retired from the service of management on 30-06-2012 he did not vacant the residence allotted to him while in employment he did not pay any rent or any electricity,

water supply bill and did not produced no dues certificate before the management hence his setting allowance and some other dues where withheld by management against rent and bills.

The case of the workman union is that it is authorised to raise the dispute which has been contested by management.

Both sides have filed affidavits in support of their claims.

Today the argument of Shri Arun Patel Learned Counsel of Union and Shri Anup Nair Learned Counsel of Management has been heard by me and records have also been produced.

The main issue for termination is whether the management has the right to withhold the post retiral dues of the workman in lieu of its claim to recover arrears of rent/ compensation for illegal occupation of residence by the workman even after his retirement.

It comes out that eviction order was passed by prescribed authority directing the workman to pay penal rent and electricity and water bill arrears and also to vacate the accommodation which was confirmed by appellate court hence it is established that management has right to recover its dues as mentioned above. Accordingly It is held that the action of management in withholding dues of the present workman is justified; the reference and petition both are liable to be answered against the workman and are answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 207.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (सन्दर्भ संख्या 51/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/9/2018-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 5th February, 2024

S.O. 207.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 51/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/9/2018 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/51/2018

Present: P.K.Srivastava

H.J.S..(Retd)

Area President,

Koyla Shramik Sabha,

Johilla Area, Purana Colliery,

Guest House, Room No.02,

Pali, Dist Umaria (M.P)-484551

Workman

Versus

**The Sub Area Manager,
Estate Officer, Pali Sub Area,
Johilla Arca of SECL,
Po-Pali, Distt Umaria (M.P)-484551**

Management

AWARD

(Passed on this 14th day of December-2023.)

As per letter dated 30/10/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/9/2018(IR(CM-II)) dt.30/10/2018. The dispute under reference related to :-

"Whether the action of the Estate Officer Sub Area Manager, Pali Sub Area, Johilla Arva of M/s South Eastern Coalfields Limited, Dist. Umaria (MP) in recovering the amount of Rs. 93156- vide letter no. SECL/E.O./P.S.A./17/1212 08-02-2017 from the dues payable to Shri Matadeen Rajak, Ex-Haulage Khalasi, retired on 01-07-2008 is fair, justified and legal? if not, what relief Shri Matadeen Rajak, Ex-Handage Khalasi is entitled to?"

After registering a case on the basis of the reference, notices were sent to the parties. Despite service of notice on the workman, he did not appear and did not file any statement of claim.

Management has filed its written statement of defence, wherein it has stated that firstly the applicant union that is Koyla Shramik Sabha is not a registered trade union as it has no locus stand to raise the dispute and the reference may be answered against the applicant filed only on this ground.

It has further been pleaded with the claimant workman retired with effect from July 01, 2008, whereas the present dispute was raised in the year 2018 and the reference is barred due to delay and laches on the part of the claimant side. It is further, the case of management that the claimant workman was employed as office superintendent with the management. He was allotted a residential accommodation house number IC/42 by virtue of his employment. He got superannuation on July 01, 2008. He was under obligation to hand over the vacant possession of the house allotted to him during his service time after he superannuated, but he failed to do it and retained possession of the said house. Eviction proceedings were initiated against him before the estate officer and eviction order was passed on February 08, 2017 directing him to hand over vacant possession of the said house and also pay the arrears of rent as well the compensation for unauthorised use of the accommodation. An appeal against this order was dismissed by the District Judge Surajpur, while his order dated September 9, 2016 In a writ petition No WP(PIL)53/2016, the Honourable High Court of Chhattigarh issued directions to get the accommodations vacated from the undersized occupants within the timeframe.

According to the management, the applicant workman is under obligation to pay penal rent and municipal as well. Electricity charges for the accommodation till date of handing over of position of the said accommodation by the applicant, which he has not paid and against this dues, and recovery notice has been issued against him. Management has accordingly requested that the reference is answered against the applicant workman.

The management has filed an affidavit of its witness which is on record, wherein the witness has supported the claim of management. None appeared from the side of workman for cross-examination of management witness an opportunity of the applicant workman to cross-examine the management witness was closed.

At the time of argument, none appeared from the side of workman. I have heard the argument of Sri Anup Nair for management and have gone through the record.

The reference itself is the issue for determination.

Since applicant side has not filed any evidence in support of its claim, the case of workman is held not proved. From the perusal of affidavit of management witness, the case of management is held proved. Hence, in the light of above discussion and finding, the reference deserves to be answered against the applicant workman and is answered accordingly, holding the action of management is not against law.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 208.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (सन्दर्भ संख्या 87/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/63/2016-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 5th February, 2024

S.O. 208.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 87/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/63/2016 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/87/2016****Present: P.K.Srivastava****H.J.S..(Retd)****The President,****Coal India Pensioners Association,****Branch Bishrampur Area,****Qtr No. 1B-32, Bishrampur****Distt- Surajpur (CG) -497226****Workman****Versus****The General Manager****SECL, Bishrampur Area****PO- Bishrampur Colliery****Distt- Surajpur(CG) -497226****Management****AWARD****(Passed on this 5Th day of December-2023.)**

As per letter dated 29/09/2016 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number no.L-22012/63/2016(IR(CM-II)) dt.29/09/2016 . The dispute under reference related to :-

"Whether the action on the part of General Manager, Bisshrampur area of SECL in withholding the terminal benefits after retirement on non-submission of no dues certificates such as leave entancements in respect of Shri Ram Bahadur Lama, Ex-Office Superintendent espoused by the President, Coal India Pensioners Association, Bishrampur branch is legal, appropriate and justified? If not, whether it is appropriate to recover the terminal dues from the employer?"

After registering a case on the basis of the reference, notices were sent to the parties. Despite service of notice on the workman, he did not appear and did not file any statement of claim.

Management has filed its written statement of defence, wherein it has stated that firstly the applicant union that is Coal India Pensioners Association is not a registered trade union as it has no locus stand to raise the dispute and the reference may be answered against the applicant filed only on this ground.

It has further been pleaded with the claimant workman retired with effect from January 31, 2011, whereas the present dispute was raised in the year 2016 and the reference is barred due to delay and laches on the part of the claimant side. It is further, the case of management that the claimant workman was employed as office superintendent with the management. He was allotted a residential accommodation house number IC/42 by virtue of his employment. He got superannuation on January 31, 2011. He was under obligation to hand over the vacant possession of the house allotted to him during his service time after he superannuated, but he failed to do it and retained possession of the said house. Eviction proceedings were initiated against him before the estate officer and eviction order was passed on February 20, 2015 directing him to hand over vacant possession of the said house and also pay the arrears of rent as well the compensation for unauthorised use of the accommodation. An appeal against this order was dismissed by the District Judge Surajpur, while his order dated September 9, 2016 In a writ petition No WP(PIL)53/2016, the Honourable High Court of Chhattigarh issued directions to get the accommodations vacated from the undersized occupants within the timeframe.

According to the management, the applicant workman is under obligation to pay penal rent and municipal as well. Electricity charges for the accommodation till date of handing over of position of the said accommodation by the applicant workman on December 31, 2018, which he has not paid and against this dues, fees, leave encashment and settle in allowance has been withheld by the management. According to management, after withholding his dues as mentioned above, there is still a recovery against the applicant workman. Management has accordingly requested that the reference is answered against the applicant workman.

The management has filed an affidavit of its witness which is on record, wherein the witness has supported the claim of management. None appeared from the side of workman for cross-examination of management witness an opportunity of the applicant workman to cross-examine the management witness was closed.

At the time of argument, none appeared from the side of workman. I have heard the argument of Sri Anup Nair for management and have gone through the record.

The reference itself is the issue for determination.

Since applicant side has not filed any evidence in support of its claim, the case of workman is held not proved. From the pollution of affidavit of management witness, the case of management is held proved. Hence, in the light of above discussion and finding, the reference deserves to be answered against the applicant workman and is answered accordingly, holding the action of management is not against law.

P. K. SRIVASTAVA, Presiding officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 209.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (सन्दर्भ संख्या 17/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/70/2016-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 5th February, 2024

S.O. 209.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.17/2017**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/70/2016 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPURNO. CGIT/LC/R/17/2017Present: P.K.SrivastavaH.J.S..(Retd)

The President,
Coal India Pensioners Association,
Branch Bishrampur Area,
Qtr No. IB-32, Bishrampur
Distt- Surajpur (CG)-497226

Workman

Versus

The General Manager
SECL,Bishrampur Area,
PO- Bishrampur Colliery
Distt-Surajpur (CG) -497226

Management

C/05/2016 P.K. Ghosh Vs SECL (Leading Case)

and

R/17/2017 P.K. Ghosh Vs SECL.

ORDER/AWARD(Passed on this 26th day of December-2023.)

Since the two cases are between the same parties and regarding the same dispute/facts, they have been consolidated together via order dated 16.12.2021 and are being disposed by one common Order/ Award.

In case R/17/2017, As per letter dated 07/03/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/70/2016 (IR(CM-II) dt.07/03/2017 . The dispute under reference related to :-

"Whether the action on the part of General Manager, Bishrampur Area of SECL in withholding the terminal benefits viz. leave encashment, PLRs, transport allowance and other terminal dues if any as per eligibility after retirement on illegal quarter retention ground in respect of Shri R.K. Ghosh, Ex-Office Superintendent by deviating SECL company quarter rule and the case espoused by the President, Coal India Pensioners Association, Bishrampur Branch is legal, appropriate and justified? If not, whether it is appropriate to recover above terminal dues from the employer as per Section 33-C(2) of ID act after payment of penal rent charges etc. by the ex-workman concerned to the management till the date of vacation of the quarter in the dispute?"

Undisputed facts in these two cases is that the workman retired from the service of management on 30-10-2010 he did not vacate the residence allotted to him while in employment he did not pay any rent or any electricity, water supply bill and did not produced no dues certificate before the management hence his setting allowance and some other dues were withheld by management against rent and bills.

The case of the workman union is that it is authorised to raise the dispute which has been contested by management.

Both sides have filed affidavits in support of their claims.

Today the argument of Shri Arun Patel Learned Counsel of Union and Shri Anup Nair Learned Counsel of Management has been heard by me and records have also been produced.

The main issue for termination is whether the management has the right to withhold the post retiral dues of the workman in lieu of its claim to recover arrears of rent/ compensation for illegal occupation of residence by the workman even after his retirement.

It comes out that eviction order was passed by prescribed authority directing the workman to pay penal rent and electricity and water bill arrears and also to vacate the accommodation which was confirmed by appellate court hence it is established that management has right to recover its dues as mentioned above. Accordingly It is held that the action of management in withholding dues of the present workman is justified; the reference and petition both are liable to be answered against the workman and are answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 210.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर** के पंचाट (सन्दर्भ संख्या **05/2016**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/70/2016-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 5th February, 2024

S.O. 210.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 05/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/70/2016 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR**

No. CGIT/LC/C/05/2016

Present: P.K.Srivastava

H.J.S..(Retd)

The President,

Coal India Pensioners Association,

Branch Bishrampur Area,

Qtr No. IB-32, Bishrampur

Distt- Surajpur (CG)-497226

APPLICANT

Versus

The General Manager

SECL,Bishrampur Area,

PO- Bishrampur Colliery

Distt-Surajpur (CG) -497226

NON-APPLICANT

C/05/2016 P.K. Ghosh Vs SECL (Leading Case)

and

R/17/2017 P.K. Ghosh Vs SECL.

ORDER/ AWARD

(Passed on this 26th day of December-2023.)

Since the two cases are between the same parties and regarding the same dispute/facts, they have been consolidated together via order dated 16.12.2021 and are being disposed by one common Order/ Award.

In case R/17/2017, As per letter dated 07/03/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/70/2016 (IR(CM-II) dt.07/03/2017 . The dispute under reference related to :-

"Whether the action on the part of General Manager, Bishrampur Area of SECL in withholding the terminal benefits viz. leave encashment, PLRs, transport allowance and other terminal dues if any as per eligibility after retirement on illegal quarter retention ground in respect of Shri R.K. Ghosh, Ex-Office Superintendent by deviating SECL company quarter rule and the case espoused by the President, Coal India Pensioners Association, Bishrampur Branch is legal, appropriate and justified? If not, whether it is appropriate to recover above terminal dues from the employer as per Section 33-C(2) of ID act after payment of penal rent charges etc. by the ex-workman concerned to the management till the date of vacation of the quarter in the dispute?"

Undisputed facts in these two cases is that the workman retired from the service of management on 30-10-2010 he did not vacate the residence allotted to him while in employment he did not pay any rent or any electricity, water supply bill and did not produce no dues certificate before the management hence his setting allowance and some other dues were withheld by management against rent and bills.

The case of the workman union is that it is authorised to raise the dispute which has been contested by management.

Both sides have filed affidavits in support of their claims.

Today the argument of Shri Arun Patel Learned Counsel of Union and Shri Anup Nair Learned Counsel of Management has been heard by me and records have also been produced.

The main issue for termination is whether the management has the right to withhold the post retiral dues of the workman in lieu of its claim to recover arrears of rent/ compensation for illegal occupation of residence by the workman even after his retirement.

It comes out that eviction order was passed by prescribed authority directing the workman to pay penal rent and electricity and water bill arrears and also to vacate the accommodation which was confirmed by appellate court hence it is established that management has right to recover its dues as mentioned above. Accordingly It is held that the action of management in withholding dues of the present workman is justified; the reference and petition both are liable to be answered against the workman and are answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 211.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, मैसर्स - यू.पी. सिंह हाई टेक कंस्ट्रक्शन प्रा. लिमिटेड, बेगुसराय, (बिहार), के प्रबंधन के संबंध में नियोजकों और श्री रहमत हुसैन, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक न्यायाधिकरण, पटना पंचाट (संदर्भ संख्या Ref. No. 08 (C) of 2015/ 05 (C) of 2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.02.2024 को प्राप्त हुआ था।

[सं. एल-42012/154/2013 - आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th February, 2024

S.O. 211.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 08 (C) of 2015/ 05 (C) of 2014) of the Industrial Tribunal, Patna, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director, M/S U.P. Singh High Tech Construction Pvt. Ltd., Begusarai, (Bihar) and Shri Rahmat Husain, worker, which was received along with soft copy of the award by the Central Government on 05.02.2024.

[No. L- 42012/154/2013 - IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL, PATNA.****Reference Case No.-08 (C) of 2015****05 of 2014**

Between the management of M/S U.P. Singh High Tech Construction Pvt. Ltd., Rep. by Sri Upendra Prasad Singh (Director) At: Kapasia, PO-IOCL Township, Distt. Begusarai and Their workman Mr. Rahmat Husain, 30 No. LIG, Bihar State Housing Board, PO- Damadarpur, PS- Kanti, Distt.- Muzaffarpur.

For the management:- Sri Surinder Kumar, Advocate.

For the workman:- Sri B. Prasad, Joint Convener Co-ordination Committee of Trade Union.

Present:- Manoj Shankar Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated- 19th January, 2024

By the adjudication order no.- L-42012/154/2013-IR(DU) New Delhi, dated- 10.02.2014 the Govt. of India Ministry of Labour New Delhi has referred under clause (d) of sub-section-(1) and sub-section (2A) of section 10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as “ the Act”) the following dispute between the management of M/S U.P. Singh High Tech Construction Pvt. Ltd., Rep. by Sri Upendra Prasad Singh (Director) At: Kapasia, PO-IOCL Township, Distt. Begusarai and Their workman Mr. Rahmat Husain, 30 No. LIG, Bihar State Housing Board, PO- Damadarpur, PS- Kanti, Distt.- Muzaffarpur for adjudication to the Presiding Officer, Central Government Industrial tribunal – cum- Labour Court No.-II Dhanbad.

SCHEDULE

“Whether the action of the employer to terminate the services of the workman Sri Rahmat Husain is voided without any terminal benefits? If not what relief the workman is entitled for?”

2. It is pertinent to note here that this reference was initially sent to the Presiding Officer, Government Industrial tribunal – cum- Labour Court No-2 Dhanbad and which was registered as Reference Case No.- 139 of 2013 in the Central Government Industrial tribunal – cum- Labour Court No-2 Dhanbad later on this reference case transferred on the prayer of workman, in the light of order no.- Z-25025/4/2014-CLS-11, Govt. of India / Bhart Sarkar, Ministry of Labour and Employment, Shram aur Rozgar Mantralaya dt- 7th may, 2014 and in the light of aforesaid order no. Central Government Industrial tribunal – cum- Labour Court No-2 Dhanbad has sent the entire record of Reference Case No.- 139 of 2013 through Ref.No.- 5/2014/307 dt- 2nd June / 20th August, 2015 to the Industrial Tribunal, Patna for disposal and the same was received in this tribunal on 21.08.2015. It is also pertinent to note here both the side have already filed their respective Statement of claim and Written Statement before the Presiding Officer, Government Industrial tribunal – cum- Labour Court No-2 Dhanbad. Accordingly this tribunal registered in Reference Case No.- 08(C)of 2015.

3. As per Statement of claim / Written Statement of the petitioner / workman Mr. Rahmat Husain is that Upendra Prasad Singh Hi-Tec Construction Pvt. Ltd is a construction Industrial Establishment and carries the business and works of all types of construction, repairing and other anciliated works of Indian Oil Refineries under its related undertakings of Govt. of India. The head office of the management is situated at Kapasia, Begusarai (Bihar). Upendra Prasad Singh is director of the said constructions company. It is further asserted that Mr. Rahmat Husain the petitioner joined the service to the above said company on 15.12.1986 and he continued his service under the management continuously from the date of his joining till the date of illegal termination. It is further asserted that the post of the petitioner was designated as “Supervisor” and in the initial stage of his service, his duties was to maintain records in the head office of management and thereafter he was allotted the field duties. The main duties and functions of the petitioner / workman were to purchase the required materials and to supply the same on the sites. It is further asserted that Mr. Rahmat Husain the claimant used to perform all other works related to requirements, purchase and supply and he was performing his duties under the direct control of director, on some time he was authorised as a representative of management for uplift of bulk packed Bitumen and for other work also. It is further asserted that petitioner was simply a supervisor having no any supervisory power and duties. Even the designation of the petitioner has been specified as supervisor in payment register maintained by the management. So the petitioner is a workman under section 2(S) of the I.D.Act, 1947. It is further asserted that the petitioner was member of P.F scheme and his P.F contributions were deposited till March 2004, thereafter, petitioner was forced by director of the management to submit withdrawl from in P.F department. Accordingly petitioner signed and submitted withdrawl from for his of deposited amount in P.F department. It is further asserted that the petitioner was continued in the employment as usual and without any break. It is further asserted that to meet the travelling expenses and other necessary expenses relating to the works of management, the petitioner was paid T.A and for other expenses amount in advance. On return the workman always used to submit T.A and expenditure bills to the management and had always deposited balance amount if any

remained balance. No any amount of management on account of T.A advances is due with the petitioner. It is further asserted that during the tour period and on exigency to meet the requirements of the management, the petitioner used to receive some amount from other firms as hand note. The firms used to pay such amount to petitioner / workman on the direction of director for the purpose of purchasing materials also and for the purpose of personnel needs of management. When ever the petitioner received hand loans from any firm, he made required expenses and submitted bills in details to management and also returned the balance amount if any to the director. Nothing of the management is due with petitioner / workman on this account. It is further asserted that the petitioner never applied for loan/ advance amount to the management. It is further asserted that on 21.03.2009 the petitioner sustained several serious injuries out of and in course of employment and was admitted in MAX Hospital New Delhi and Resumed his duty after 6 months after recovery. It is further asserted that workman was on leave for 50 days when he went for HAJ in October 2011. It is further asserted that one Sanjay Singh working with the management was very closed to the director and he committed marpit with him on a site situated within Lahera OP (Police Station) in Madhya Pradesh on 19.06.2012 and for this occurrence, petitioner has lodged FIR against Sanjay Singh in Lahea OP and due to lodging of FIR the director was annoyed and he was called for duty at Begusarai office when he came to report at head office. He was not allowed to sign the attendance register. It is further asserted that the petitioner has not been paid his monthly salary since May 2012 and when he requested the director on 17.07.2012 to pay his salary for the month of May, June 2012. The director of management, due to annoyance orally terminated the petitioner from service in most arbitrary and illegal way. No any termination letter was served to the petitioner and no notice pay and no retrenchment compensation was given by the director i.e mandatory requirement as per section 25(F) of the I.D.Act. Thus management has not acted fairly and violated the law. It is further asserted that the petitioner raised Industrial Dispute before the ALC (C), Patna but the conciliation is failed and then this dispute was referred to the Hon'ble Tribunal. It is further asserted that the termination of the petitioner (workman) is quite illegal unjustified, arbitrary as well as contrary to law. Accordingly the petitioner submit and prays that the his termination of service may be declared invalid and unjustified and sufficient monetary compensation may be awarded apart from this payment of all statutory dues of workman / petitioner may be given.

4. On the other hand written statement has been also filed on behalf of the management on 08.09.2014 mentioning therein Md. Rahmat Hussain the petitioner drawing a salary of Rs. 11,000/- and he has been designated as Supervisor and factually his duties were primarily supervising. He was not discharging any classified duty as mentioned in section-2(S) of Industrial Dispute Act. He does not come under the purview of workman so no Industrial Dispute as defined u/s-2(K) of the Industrial Dispute Act can be entertained. It is further asserted that he did not discharge duty continuously for 240 days. It is further asserted that previously he was employee of the company for all purposes, he left service in March-2004 and he settled his E.P.F account and withdrawn his E.P.F money on 11.02.2005 from E.P.F department and subsequently he applied for monthly pension under the E.P.F Scheme which was sanctioned by the E.P.F Commissioner at Muzaffarpur and from 25.10.2007 he was getting his monthly pension. Accordingly petitioner was not a regular employee after March-2004. It is further asserted that on the request of the petitioner his service was taken for the supervisory. Thus he used to go outside and on many occasions he represented the employer, attended meeting and many occasions he received company's amount from other parties which was required to be deposited by him to the company's account. It is further asserted that the petitioner has written a letter to the Assistant Labour Commissioner (C) wherein he draw the attention of the authority for payment of certain dues which included salary for the month of May, June, July, 2012, leave wages, bonus, notice pay, gratuity. He requested to authority to take steps so called due amount is paid to him but no such copy of this letter raising a demand was sent to the employer nor even in this letter i.e basis of the reference of the case, any demand for reinstatement or otherwise was made. It is further asserted that after July 2012 the petitioner is not attended his duty till and left his job. During his supervisory service he used to be given advance to meet his travel and other incidental expenses of substantial amount of the company still stands due which required to be paid by him after adjustment of the salary. In spite of many reminders given to him, the petitioner has not paid the balance amount nor has given any account thereof. Thus his claim for dues is not maintainable. It is further asserted that on account of his working as representative and/or agent of the company on adhoc basis to cover his travel and other incidental expenses a total amount of Rs. 2,12,000/- was given to him as an advance on different dates from 10.05.2011 to 18.06.2012 against which he has refunded only Rs. 15,070/- in cash. Still an amount of Rs. 1,85,930/- stands dues on him after adjusting Rs. 11,000/- being his unpaid wages for May 2012. Besides, he has also taken a loan of Rs. 2,42,000/- which is to be refunded. It is further asserted that in order the digest to dues amount, the petitioner has concocted the story of illegal termination of service and pressurized the authority for a reference although there was no demand of this issue. Petitioner did not come up with clean hand. He deserves no relief. It has been further asserted that the story as propounded by petitioner for force full withdrawal of E.P.F amount is totally concocted and baseless. It has been further asserted that the incident with the Sanjay Singh has no concerned has no relevancy at all with the terms of reference. It is further asserted that in statement to relating to non-payment of bonus or gratuity is not relevant because there is separate statute for the recovery the bonus or gratuity. There is no question of payment of retrenchment compensation, earn leave, salary for one month so section-25(F) is not attracted at all. If any amount at all is due that is subject matter of accounting and adjustment. Thus the petitioner does not deserve for any relief.

5. In order to counter the claim of the petitioner Md. Rahmat Hussain, the management side examined altogether two witnesses who are namely (M.W-1) Subodh Kumar Gupta, Accountant of M/S U.P. Singh, High Tec Construction Pvt. Ltd. and Sadan Prasad Kuar, Cashier in M/S High Tec Construction Pvt. Ltd as (M.W-2). Besides oral evidence the management side got some documents Extd as :-

- (i) Ext. M- The details of P.F deposits of Md. Rahmat Hussain year wise from 1993-1994 to 2004-2005 while serving with M/S Upendra Prasad Singh, High Tecconstruction Pvt.Ltd.
- (ii) Ext.M/1- Hand Loan and taken by Md. Rahmat Hussain for U.P. Singh, High Tec Construction Pvt. Ltd i.e advance taken from U.P. Singh, High Tec Construction Pvt. Ltd. the hand loan is of the year 2006-2007, details of advance is of year 2011-12.
- (iii) Ext.M/2- Certificate of incorporation of U.P.Singh, High Tec Construction Pvt. Ltd from 15..12.2005.
- (iv) Ext. M/3- Service details filled and signed by Md. Rahmat Hussain of dt- 05.10.2015.

6. On the other hand petitioner Md. Rahmat Hussain examined himself as a W.W-1 and besides his oral evidence, some documents filed by him and got it marked Extdas :-

- (i) Ext. W- Ledger sheet showing the account of Md. Rahmat Hussain from the date of 01.04.2011 to 24.03.2012.
- (ii) Ext W/1- Photo copy of the salary register of the staffs for the months of March-2012 to May-2012.
- (iii) Ext. W/3- Ledger showing the account of Md. RahmatHussain from 01.04.2012 to 18.06.2012.
- (iv) Ext. W/4- Petition of the applicant dt- 05.10.2015 along with his service details filed before the Controlling authority under Payment of Gratuity Act, 1972 ALC(C).

7. First of all this tribunal scrutinizes the evidence of management witnesses. M.W-1 Subodh Kumar Gupta is the Accountant of M/S U.P. Singh, High Tec Construction Pvt. Ltd. who deposed before this tribunal on 24.05.2016. This witness stated in his examination-in-chief that he knows the Rehmat Hussain he was doing field work in U.P. Singh High Tec Construction Pvt. Ltd. Previously the name of this company was Upendra Pd & Co. where Rahmat Hussain discharged his duties and he retired from the service. This witness further stated that Rahmat Hussain voluntarily left the job in the year 2004 and there is dues of Rs. 4.24 Lakhs upon Rahmat Hussain. On the petition of the management this witness was recalled for his further examination on 19.06.2018 where he stated the Upendra Prasad Singh, High Tec Construction Pvt. Ltd company registered on 15.12.2005 and the registration certificate is proved as Ext. M/2 and he further proved the annexure-D of the documents i.e filled by the workman before the controlling authority and in that format his date of joining 15.12.1986 and date and case of termination upon termination is 25.10.2014 and the annexure-D is marked as Ext. M/3. This witness further stated that after retirement on the request of the Rahmat Hussain company gave re-employment to the Rahmat Hussain and but he left the service after few years voluntarily. He was never retrenched by the company.

In cross-examination this witness categorically stated in para-4 that Rahmat Hussain has filed form-10 in the P.F department and in para-5 he categorically stated that Rahmat Hussain continued his job in the said company till 2004. In para-6 of the cross-examination, this witness admits that the salary register and the attendance register as filed by the company denotes Rahmat Hussain discharged his duties till July 2012. This witness further stated that in para-7 that the advance taken against salary that amount used to be deducted from the salary head and there is no advance taken by the Rahmat Hussain against salary i.e clear from the register i.e marked as Ext. W and he further proved the salary register of March-2012 to May-2012 i.e marked as Ext. W/1 and he further proved the attendance register showing details of January-2012 to June-2012 i.e marked as Ext. W/2. In para-8 of the cross-examination this witness admits that no advance shown in the ledger register till upto2012 and the same is proved by Ext W/3. This witness further stated that in para-8 of the cross-examination there is three modes of advance, case be taken from the company's first against salary, second advance against T.A and third advance against from the traders on behalf of the company and the further that this witness categorically denied that Rahmat Hussain did not leave his job in 2004 voluntarily. In further cross-examination of para-13 this witness stated this is not fact the owner of Upendra Prasad Singh & Co. & Upendra Prasad Singh, High Tec Company Pvt. Ltd is the same. In para-15 of the cross-examination there is deduction of EPF of the permanent employee of M/S Upendra Prasad Singh, Hight Tec Company and this witness further stated that in para-16 that this is not fact all the employees of Upendra Prasad Singh & Co. transferred to the Upendra Prasad Singh, High Tec Company. In para-19 of the cross-examination this witness categorically stated that controlling authority has passed the order for payment of gratuity to Rahmat Hussain and the company has filed an appeal against said order.

8. M.W-2 Sadan Prasad Kuar is the cashier of M/S Upendra Singh High Tec Construction Pvt. Ltd deposed before this tribunal on 24.05.2016. This witness stated in his evidence that he knows the Rahmat Hussain who was working in Upendra Prasad Singh & company and he also did the job of supervisor in M/S Upendra Prasad Singh, High Tec Construction Pvt. Ltd and there is dues of Rs. 4.00 Lakhs of the company against Rahmat Hussain. In para-5 of the cross-examination this witness categorically stated that he does not remember the first day of working of the

Rahmat Hussain. Rahmat Hussain has discharged his duties till March-2004 in M/S Upendra Prasad Singh & Co. and he further worked with Upendra Prasad Singh, Hight Tec. Construction Pvt. Ltd till July-2012. In para-6 of the cross-examination this witness categorically stated that the receipt shown to him clearly specified the facts Rahmat Hussain has taken advance but no balance sheet is filed by Rahmat Hussain so the real fact is not traceable.

9. On the other hand workman side examined workman Rahmat Hussain as W.W-1. Who stated before this tribunal, previously he was doing the job under contractor of Upendra Prasad Singh & Co. and he was doing the job of purchase. This witness further stated that Upendra Prasad Singh & Company and Upendra Prasad Singh, Hight Tec. Construction Pvt. Ltd are same. This witness further stated that he joined the company on 15.12.1986 and he was retrenched from 07.07.2012 and he was not taken up again. This witness further stated that he neither got any notice, nor any notice pay or the retrenchment compensation before termination.

In cross-examination this witness admits that he has filed this case against Upendra Prasad Singh, Hight Tec. Construction Pvt. Ltd and he continued his services with under Upendra Prasad Singh be he can't say in which company his service was taken. This witness further admits that he has filed a details chart of deposited P.F i.e annexure-A & B in reply of the management and the same is proved as Ext. M. In para-6 this witness categorically stated that he can't say when Upendra Prasad Singh, Hight Tec. Construction Pvt. Ltd got registered. This witness further stated that his duty was assigned for purchasing to articles for the company and when ever he went out side for purchase purpose, he used to took hand loan for the company and when ever he returns he used to file the bills of accounts of the loan and he proved the hand loan slips of page 25 to 34 of the annexure marked as Ext. M/1. In para-8 of the cross-examination this witness categorically admits that he can file the proof of the account of return about the advance loan and hand loan taken for the company.

10. It is argued from the management side that the claimant Rahmat Hussain does not come under the definition of the workman since he himself asserted before this tribunal in his evidence that his duty was to purchase goods for the company. Moreover no proof of joining in the company has ever been proved by the applicant / claimant. It is further argued that the post of "supervisor" does not come under the specified schedule under the Industrial Dispute Act, 1947. It is further argued that the petitioner was initially worked for M/S Upendra Prasad & Co. which has existed till March 2004 for which the E.P.F has already been paid to the petitioner as E.P.F balance was withdrawn by the applicant /claimant on 11.02.2005 from the P.F department and he is getting pension from the P.F department w.e.f 25.10.2007. It is further argued that the claim of the petitioner against the M/S Upendra Prasad Singh, Hi-Tec. Construction Pvt. Ltd does not arise as this company came into to the existence from 15.12.2005 i.e proved by the registration certificate (Ext.-M/2). It is further argued that the claimant himself did not give any details in his evidence as asserted in his written statement rather he deposed that he can't tell about the company's name in which he was working, moreover, he does not know M/S Upendra Prasad Singh, Hi-Tec. Construction Pvt. Ltd came into existence from 2005. It is argued that the claimant has taken the advances on behalf of the Co. i.e proved from the hand loan advance but claimant did not furnished any proof of return of the hand loan as taken on behalf of the Company was paid of. It is further argued that the facts is there is dues of the company upon the claimant and just to save his skin from payment of dues, this case is filed by the claimant i.e not legal and justified as claimant did not come up with clean hand so claimant is not entitled for any relief.

11. On the other hand it is argued from the claimant side, claimant was the employee of Upendra Prasad Singh, Hi-Tec. Construction Pvt. Ltd and both the company Upendra Pd. Singh & Company and Upendra Prasad Singh, Hi-Tec. Construction Pvt. Ltd Company are the same. It is further argued that the workman was forced to file a P.F withdrawal form in May 2004 and since then management stopped depositing P.F contribution to the workman / claimant. Claimant never left his job on his own rather he was terminated from the service without giving any notice i.e well proved by the oral evidence of the workman / claimant. Moreover, the claim the management there was huge dues of the company upon the workman / claimant is totally false and fabricated i.e not at all proved by the management side. It is also argued that Rahmat Hussain comes under the provision of the workman under the Industrial Dispute Act and his termination by the management without giving any terminal benefits is totally illegal and unjustified. So workman /claimant is entitled for relief as sought.

12. Considering all the facts and circumstances of the case and the considering the submissions as advanced on behalf of the both sides and on scrutinizing the oral and documentary evidence as placed by the rival parties, this tribunal finds that the main dispute between the two sides is whether the petitioner Rahmat Hussain is workman / claimant as per the I.D.Act. Section-2(S) of the I.D.Act defines about the workman i.e **"workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, butdoes not include any such person.-**

- (i) Who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950, (46 of 1950)or the Navy Act, 1957 (62 of 1957); or

- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding 3[ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

Here in the instant case the management version is Rahmat Hussain was engaged as an agent to purchase of the article of the company of the Upendra Prasad Singh, Hight Tec. Construction Pvt. Ltd on the request of the Rahmat Hussain when his employment was ended in the year-2004 while he was working with Upendra Prasad Singh & Company and he also withdrawn the E.P.F amount from the P.F department. He is getting pension thereafter. This facts is thoroughly proved by the management side as Upendra Prasad Singh Hi Tec. Construction Pvt. Ltd was registered on 15.12.2005 i.e proved by the Ext.-M/2. Moreover, Rahmat Hussain the claimant did not give any specific claim of his working while serving with Upendra Prasad Singh & Company till 2004 and thereafter discharged his duties with Upendra Prasad Singh Hi-Tec. Construction Pvt. Ltd that could show he was engaged as workman rather he admits in his evidence that he was discharging his duties to purchase articles of the company and he used to move out side for the company work as per instruction of the company this type of working does not come up U/S-2(S) of the Industrial Dispute Act. Of course company has given salary to the Rahmat Hussain designating as Supervisor and he was getting Rs. 11,000/- per month and as per the section 2(iv) Supervisor who gets more than Rs.10,000/- salary does not come under the purview of the workman. Accordingly claimants claim as a workman does not exists. This tribunal further finds that the claim of the petitioner Rahmat Hussain, he was forced to file EPF withdrawal form but is not at all proved by the Rahmat Hussain himself. Ext.-M shows that the P.F deposit of Rahmat Hussain & Co. from 1993, 1994 to 2004-05 infavour of employee Rahmat Hussain and that was withdrawn by Rahmat Hussain by filling E.P.F withdrawal form proved by the Ext.-M/3 and i.e also proved by the workman as Ext.-W/4 that shows that Rahmat Hussain has shown himself as employee with designation supervisor, column-9 shows date and cause of termination i.e filled by Rahmat Hussain as after reaching the age of 65 years on 25.10.2014. Rahmat Hussain also filled his pay Rs. 11,000/- per months. This document does not establish that Rahmat Hussain was forced to withdraw the EPF amount when he left the job in the year 2004-05 from Upendra Prasad Singh & Co. rather he voluntarily withdrew the E.P.F contribution amount and finally he filed before controlling authority all the details shown in (Ext.- M & W/4) on 05.10.2015 for claiming his gratuity amount i.e not the issue before this tribunal because the payment of gratuity is Governed with different provision not under the Industrial Dispute Act. This tribunal further finds that the management side filed some documents Ext.-M/1 showing hand loan taken by the Rahmat Hussain on behalf of the company i.e Rs.12,000/-on 16.11.2007, Rs. 1,00,000/- on 30.07.2007, from Suresh Jaishwal, Kolkatta, Rs.16.000/-on 19.04.2006 from M/S Anil Kumar Sunil, Kolkatta, but no proof of payment of account given by the Rahmat Hussain, so claim of the management side there is huge dues upon Rahmat Hussain looks convincing an acceptable and this is dully proved by the management witness no.-1 and virtually there is no cross-examination on this point by the workman and it is also proved of M.W-2 vide para-6 of his cross-examination. This tribunal further finds that the oral evidence as placed by the Rahmat Hussain himself does not corroborate his own version as stated in his written statement rather he suppressed all the relevant facts. As Rahmat Hussain clearly stated in cross-examination he can't say in which Co. he was discharging his duties by the instruction by Upendra Prasad Singh and he also admitted in cross-examination he can't say when Upendra Prasad Singh Hi-Tec. Construction Pvt. Ltd got registered and also admitted that his duty was just to purchase the articles for the company. Rahmat Hussain also admits in cross-examination whatever he has taken advance loan and hands loan he can file the proof of account of return but no such proof is filed by the workman.

13. Thus on scanning of all the materials available on record as discussed above this tribunal finds and hold that petitioner Rahmat Hussain is completely failed to establish his claim as a workman and more over the management side dully established his claim regarding Rahmat Hussain is not a workman under the purview of the Industrial Dispute Act and he was simply working as a agent(supervisor) for the company and he himself left his assignment by way of oral and documentary evidence. Thus it is the considered opinion of this tribunal claimant Rahmat Hussain is not entitled for any relief. This award is effected after date of publication in gazette.

This is my award accordingly.

Dictated & Corrected by me.

MANOJ SHANKAR, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 212.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय निदेशक, राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान क्षेत्रीय केंद्र, भोपाल (म.प्र.), के प्रबंधन के संबद्ध नियोजकों और सुश्री अमिता कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर

पंचाट(संदर्भ संख्या CGIT/LC/R/16/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.02.2024 को प्राप्त हुआ था।

[सं. एल-42012/138/2018-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th February, 2024

S.O. 212.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. CGIT/LC/R/16/2019**) of the **Central Government Industrial Tribunal cum Labour–Jabalpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Regional Director, National Institute of Open Schooling Regional Cent, Bhopal, (M.P.), and Ms. Amita Kumar, worker**, which was received along with soft copy of the award by the Central Government on 05.02.2024.

[No. L- 42012/138/2018 - IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/16/2019

Present: P.K.Srivastava

H.J.S..(Retd)

Ms. Amita Kumar

10/11, Shalimar Enclave, E-3, Arera Colony,

BHOPAL(M.P.) - 462002

Workman

Versus

Regional Director,

National Institute of Open Schooling Regional Cent

Manas Bhawan, Shyamla Hills,

BHOPAL(M.P.) - 462002

Management

AWARD

(Passed on this 11Th day of January-2024.)

As per letter dated 10/01/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-42012/138/2018 (IR(DU)) dt. 10/01/2019 . The dispute under reference related to :-

"Whether the action of the management of Regional Director, National Institute of Open Schooling. Regional Centre, Bhopal in terminating the services of workman Ms. Amita Kumar w.e.f 29.09.17 is just & proper? if not, what relief the workman concerned is entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be answered against workman and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 213.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय निदेशक, राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान क्षेत्रीय केंद्र, भोपाल (म.प्र.), के प्रबंधन के संबद्ध नियोजकों और श्री रमेश कुमार पटेल, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट(संदर्भ संख्या CGIT/LC/R/13/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.02.2024 को प्राप्त हुआ था।

[सं. एल-42012/135/2018-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th February, 2024

S.O. 213.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/13/2019) of the **Central Government Industrial Tribunal cum Labour-Jabalpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Regional Director, National Institute of Open Schooling Regional Cent, Bhopal, (M.P.), and Shri Ramesh Kumar Patel, worker**, which was received along with soft copy of the award by the Central Government on 05.02.2024.

[No. L- 42012/135/2018 - IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/13/2019

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Ramesh Kumar Patel

E.W.S. 700, Kotra Sultanabad, Nehru Nagar,

BHOPAL(M.P.) – 462002

Workman

Versus

Regional Director,

National Institute of Open Schooling Regional Cent

Manas Bhawan, Shyamla Hills,

BHOPAL(M.P.) - 462002

Management

AWARD

(Passed on this 11Th day of January-2024.)

As per letter dated 07/01/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-42012/135/2018 (IR(DU)) dt. 07/01/2019 . The dispute under reference related to :-

"Whether the action of the management of Regional Director, National Institute of Open Schooling. Regional Centre, Bhopal in terminating the services of workman Shri Ramesh Kumar Patel w.e.f 29.09.17 is just & proper? if not, what relief the workman concerned is entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be answered against workman and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 2024

का.आ. 214.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय निदेशक, राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान क्षेत्रीय केंद्र, भोपाल (म.प्र.), के प्रबंधन के संबद्ध नियोजकों और सुश्री नीतू दीवान, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/14/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.02.2024 को प्राप्त हुआ था।

[सं. एल-42012/136/2018-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th February, 2024

S.O. 214.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. CGIT/LC/R/14/2019**) of the **Central Government Industrial Tribunal cum Labour Court Jabalpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Regional Director, National Institute of Open Schooling Regional Cent, Bhopal, (M.P.), and Ms. Neetu Diwan, worker**, which was received along with soft copy of the award by the Central Government on 05.02.2024.

[No. L- 42012/136/2018 - IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/14/2019

Present: P.K.Srivastava

H.J.S..(Retd)

Ms. Neetu Diwan,

H.No. 79, Chitragupta Nagar,

Kotrasultanabad,

BHOPAL(M.P.) - 462003

Workman

Versus

Regional Director,

National Institute of Open Schooling Regional Cent

Manas Bhawan, Shyamla Hills,

BHOPAL(M.P.) - 462002

Management

AWARD**(Passed on this 11Th day of January-2024.)**

As per letter dated 08/01/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-42012/136/2018 (IR(DU)) dt. 08/01/2019 . The dispute under reference related to :-

"Whether the action of the management of Regional Director, National Institute of Open Schooling, Regional Centre, Bhopal in terminating the services of workman Ms. Neetu Diwan w.e.f 29.09.17 is just & proper? if not, what relief the workman concerned is entitled to?"

After registering the case on reference received, Notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be answered against workman and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 215.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और राज कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (117/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-61]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 117/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Raj Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-61]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.**

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 117/2016

Registered On:-11/11/2016

Raj Kaur W/o Sh. Karamjeet Singh R/o Village Jahlan Ranbirpur Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Smt. Raj Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 216.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और मन्देप सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (118/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-62]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 118/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Mandeep Singh.Worker.**

[No. L-12025/01/2024- IR(B-I)-62]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 118/2016

Registered On:-11/11/2016

Mandeep Singh S/o Sh. Karam Singh R/o Village Sher Majera P.O. Sular Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD**Passed On:-19.12.2023**

1. The workman Sh. Mandeep Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 217.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और अनिल कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (119/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-63]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 217.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 119/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Anil Kumar.Worker.**

[No. L-12025/01/2024- IR(B-I)-63]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 119/2016

Registered On:-11/11/2016

Anil Kumar S/o Sh. Jasbir Singh R/o Village Boharpur Janjherian Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Anil Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.

2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.

3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.

4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 218.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और किरण, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (120/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-64]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.120/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Kiran.Worker.**

[No. L-12025/01/2024- IR(B-I)-64]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 120/2016

Registered On:-11/11/2016

Kiran W/o Sh. Sushil Kumar R/o H.No.224, Guru Nanak Nagar Badungar Distt. Patiala. C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Kiran has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 219.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175,

अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और मनजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (121/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-65]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 121/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Manjit Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-65]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 121/2016

Registered On:-11/11/2016

Manjit Kaur W/o Sh. Mohinder Singh R/o Vill. Hardaspur Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Manjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 220.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, दूरसंचार, पटियाला; मैसर्स सुशील कुमार निवासी मकान नंबर 107, सेक्टर 9, यू.ई., अंबाला शहर, के प्रबंधतंत्र के संबद्ध नियोजकों और श्री रूप चंद, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 चंडीगढ़ पंचाट (संदर्भ संख्या 32/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 01/02/2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-25 -आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 6th February, 2024

S.O. 220.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 32/2018**) of the **Central Government Industrial Tribunal cum Labour Court –1, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation **The General Manager, Telecom, Patiala ; M/s Sushil Kumar R/o H.No.107, Sector 9, U.E., Ambala City**, and **Shri Roop Chand, Worker**, which was received along with soft copy of the award by the Central Government on **01/02/2024**.

[No. L- 42025-07-2024-25 - IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 32/2018

Registered On:-28.05.2018

Roop Chand S/o Sh. Dalip Singh R/o V.P.O. Mish Rai Kalan, Tehsil Amloh, Distt. Fatehgarh Sahib, Punjab.

.....Workman

Versus

1. The General Manager, Telecom, Patiala.
2. M/s Sushil Kumar R/o H.No.107, Sector 9, U.E., Ambala City.

.....Respondents

AWARD

Passed On:-16.01.2024

1. The workman Sh. Roop Chand has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of Workman. In the present case Counsel for Workman stated that workman has expired.
3. Since the Ld. Counsel of Workman has withdrawn the present case, therefore there is no need to proceed the case further. Hence the present case is dismissed as withdrawn. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और मंजू, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (122/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-66]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 221.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 122/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Manju.Worker.**

[No. L-12025/01/2024- IR(B-I)-66]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 122/2016

Registered On:-11/11/2016

Manju W/o Sh. Johnny Singh R/o Vill. Kalar Bhaini Distt. Patiala C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Manju has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 222.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और मलकीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (123/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-67]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 222.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 123/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn.**

Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Malkit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-67]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.123/2016

Registered On:-11/11/2016

Malkit Kaur W/o Sh. Gurmeet Singh R/o Vill. Hardasspur Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Malkit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 223.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और मीना रानी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (124/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-68]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 223.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 124/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Meena Rani.Worker.**

[No.L-12025/01/2024- IR(B-I)-68]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 124/2016

Registered On:-11/11/2016

Meena Rani W/o Sh. Nasib Singh R/o Village. Jahlan Ranbirpura Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Meena Rani has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 224.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और परमजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (125/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-69]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 224.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 125/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Paramjit Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-69]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 125/2016

Registered On:-11/11/2016

Paramjit Kaur W/o Harjinder Singh R/o Village Hardasspur Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Paramjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 225.—औद्योगिक विवाद अधिनियम 1947; (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और परमजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 चण्डीगढ़ के पंचाट; (126/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-70]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 225.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 126/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Paramjit Kaur, Worker.

[No. L-12025/01/2024- IR(B-I)-70]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.126/2016

Registered On:-11/11/2016

Paramjit Kaur W/o Baljinder Singh Vill. Hardaspur Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Paramjeet Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 226.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और बलजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 चण्डीगढ़ के पंचाट (127/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-71]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 226.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.127/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Baljeet Kaur, Worker.

[No. L-12025/01/2024- IR(B-I)-71]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.127/2016

Registered On:-11/11/2016

Baljeet Kaur W/o Sh. Dharampal R/o Village. Hardaspur Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Baljeet Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 227.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और सुरिंदर कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (128/2016) प्रकाशित करती है ।

[सं. एल-12025/01/2024- आई आर (बी-1)-72]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 227.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.128/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Surinder Kaur, Worker.

[No. L-12025/01/2024- IR(B-I)-72]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.128/2016

Registered On:-11/11/2016

Surinder Kaur W/o Sh. Kamalpreet Singh R/o Vill. Hardaspur Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Smt. Surinder Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Office

नई दिल्ली, 6 फरवरी, 2024

का.आ. 228.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और दर्शन सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (129/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-73]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 228.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.129/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Darshan Singh, Worker.

[No. L-12025/01/2024- IR(B-I)-73]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.129/2016

Registered On:-11/11/2016

Darshan Singh S/o Sh. Joginder Singh R/o Vill. Rajgarh Tehsil & Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Darshan Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 229.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और लाल सिंह ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (130/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-74]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 229.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.130/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Lal Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-74]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.130/2016

Registered On:-11/11/2016

Lal Singh S/o Sh. Kaka Singh R/o V.P.O. Jahlan Ranbirpura Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Lal Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 6 फरवरी, 2024

का.आ. 230.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और अवतार सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (131/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-75]

सलोनी, उप निदेशक

New Delhi, the 6th February, 2024

S.O. 230.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.131/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Avtar Singh, Worker.

[No. L-12025/01/2024- IR(B-I)-75]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.131/2016

Registered On:-11/11/2016

Avtar Singh S/o Sh. Parkash Singh R/o Vill. Jahlan (Ranbirpura) Distt. Patiala, C/o Harpreet Singh Resident-cum-Office of Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-19.12.2023

1. The workman Sh. Avtar Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 231.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स अनूप रेफ्रिजेशन, डी.एस. 185-186, कानपुर रोड लखनऊ; निदेशक, सीएसआईआर, केन्द्रीय औषधि अनुसंधान संस्थान, सीतापुर रोड, लखनऊ, के प्रबंधन के संबंध में नियोजकों और श्री नवीन प्रताप सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- लखनऊ पंचाट (संदर्भ संख्या 79/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 06/02/2024 को प्राप्त हुआ था।

[सं. एल- 42025-07-2024-26-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th February, 2024

S.O. 231.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 79/2019) of the Central Government Industrial Tribunal cum Labour Court –Lucknow, as shown in the Annexure, in the Industrial dispute between the employers in relation M/s Anoop Refrigeration, D.S. 185-186, Kanpur Road Lucknow ; The Director, CSIR ,Central Drug Research Institute, Sitapur Road, Lucknow, and Shri Naveen Pratap Singh, Worker, which was received along with soft copy of the award by the Central Government on 06/02/2024.

[No. L- 42025-07-2024-26- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT,LUCKNOW****PRESENT****JUSTICE ANIL KUMAR****PRESIDING OFFICER****I.D. No.79/2019****Ref.No.K-10/1-3/2019-B.2/E.3,dated 13.09.2019 Sunil Kr. & Navijaan Ali/sNER****BETWEEN**

Shri Naveen Pratap Singh

S/o Sri kailash Bux Singh

E.W. S. 83, Sec.-G,

Jankipuram, Lucknow- 226021 (U.P.)

.....**Workman****AND**

1. M/s Anoop Refrigeration, D.S.. I85-186

Sec.-D, L.D.A. Colony

Kanpur Road Lucknow-226012

2. The Director, CSIR

Central Drug Research Institute

Sec.10, Jankipuram, Extension

Sitapur Road, Lucknow-226031

Opposite Party**AWARD**

By means of the reference dated 13th September 2019 appropriate authority has referred the following dispute to this tribunal.

“क्या केन्द्रीय औषधि अनुसन्धान संस्थान, लखनऊ के संविदाकार मेस्सर्स अनूप रेफ्रिजरेशन, लखनऊ, द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 25 एफ का पालन किये बगैर श्री नवीन प्रताप सिंह पुत्र श्री कैलाश बक्श सिंह, पंप ऑपरेटर को दिनांक 16.01.2019 से नौकरी से निकाल दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कर्मकार किस राहत को पाने का अधिकारी है?”

On 09.11.2020 claimant Sri Naveen Pratap Singh filed claim statement pleading therein brief as under:-

- (A) Claimant was initially appointed in the year 2010 and till the year 2017 from July 2017 and September 2017 he was appointed through Blue Star Limited in the sansthan and from October 2018-19 through M/s Anoop M/s Anoop Refrigeration opposite party No. 2 in the Sanshthan on the post of Suraksha Adhikari.
- (B) However without following the provision as provided under Section 25(F) of the ID case the service of appellant was retrenched/terminated w.e.f. 16.01.2019, accordingly it is prayed by appellant that the order of the retrenchment/termination may be set aside.

Case of respondent

Respondent No. 2 filed a written statement inter-alia stating therein and paragraph 1 and 3 it was quoted as under:

“That before replying upon the merits of the dispute raised by the workman, it is necessary to state at the very outset that this Hon'ble Tribunal lacks jurisdiction to decide the present Industrial Dispute in light of Section 14 of Central Administrative Tribunal Act 1985, and the same has been

upheld by this Hon'ble Tribunal in a catena of matters, more particularly in I.D. No 60 of 2007 (Shri Ashok Kumar Vs. The Director Central Drug Research Institute) and I.D No. 59 of 2007 (Shri Kavindra Prasad Joshi Vs. Director Central Drug Research Institute), wherein it has been categorically held "the cases pertaining to CDRI, being a laboratory of Council of Scientific & Industrial Research, New Delhi (CSIR) comes within the jurisdiction of the Central Administration Tribunal in terms of section 14 of the Central Administrative Tribunal Act 1985 and this Tribunal lacks jurisdiction to adjudicate the

*present industrial dispute A copy of notification of Government of India notification dated 31.10.1986, whereby of Council of Scientific and Industrial Research (CSIR), of which CSIR Central Drug Research Institute (CSIR-CDRI), Lucknow is a constituent unit has been brought, within the purview of Central Administrative Tribunal Act 1985 is annexed herewith **Annexure-1**, A copy of Award dated 02.02.2021 in I.D. No. 60 of 2007 (Shri Ashok Kumar Vs. The Director, Central Drug Research Institute) and L.D. No. 59 of 2007 (Shri Kavindra Prasad Joshi Vs The Director, Central Drug Research Institute) are annexed herewith and enclosed as **Annexure-2 and Annexure-3**.*

*That furthermore, the answering opposite party is CSIR-CDRI is one of the research institutes under Council of Scientific and Industrial Research (CSIR), which is a society registered Act, XXI of 1860 are not indulged in any activity of business, trade or manufacturing and is merely a research institute, so they do not come within the definition of industry as per section 2(j) of Industrial dispute Act 1947. That furthermore, the Hon'ble Allahabad High Court recently vide judgment and order dated 21.01.2020, passed in the Writ Petition No. 2684/2021 (S/S) **Prem Chandra Vs. Presiding Officer. Industrial Tribunal** had held that CDRI is not an Industry in light of Section 2 (j) of Industrial dispute Act 1947, and thus this Hon'ble Tribunal lacks jurisdiction to entertain the reference made to it. True copy of the judgment and order dated 21.01.2020 is annexed here as **Annexure 4**".*

Today after hearing the learned counsel for the parties, the first question to be considered on the basis of argument raised by learned counsel for the respondent No. 1 Anagh Mishra that in view of the objections taken by the respondent No. 1 in their statement of defence (relevant portion quoted herein above) "whether the Central Drug Research Institute is "Industry" as per section 2(J) of the Industrial Dispute.

This Tribunal by means of award dated 2nd February 2021 passed in I.D. case No. 60/2007 Ashok Kumar Vs. The Director Central Drug Research Institute.

Learned Counsel for the respondent raised a preliminary objection that this Hon'ble Tribunal by means of award dated 2nd February 2021 passed in the case of Sri Kavindra Prasad Joshi Vs. The Director Central Drug Research Institute Chatar Manzil, Qaisharbagh Lucknow, held that Central Drug Research Institute is not an industry, relevant paragraph quoted herein below:-

8. *The workman has pleaded that he was after following due process by the management of CDRI 01.10.1986 and he worked 30.11.1998 for more than 240 days continuously in each calendar year of his service; however, his services have been terminated w.e.f. 01.12.1988 without any notice or notice pay in lieu thereof or any retrenchment compensation in violation to the provision contained in Section 25 (F) of the Industrial Disputes Act, 1947. The workman has also pleaded that the management has retained juniors and has engaged fresh hand in violation to the provisions of Section 25-CG and 25.H of the Act.*
9. *Per contra, the management has taken preliminary objection regarding jurisdiction of the case before this Tribunal and the dispute being not industrial dispute and CDRI not being industry within the purview of the provisions of the Act Moreover, it has also contended that the workman has engaged on casual basis and his services had been disengaged when the security arrangements were allotted to a contractor, therefore, there was no violation to the any of the statutory provision*
10. *Having gone through rival pleadings of the parties and evidence relied upon by them, it is apparent on the face of record that the management of CDRI has taken various preliminary objection, including lack of jurisdiction of this Tribunal to adjudicate the present matter, therefore, the same is taken first before entering into the others issued raised in the present industrial dispute.*

In this regard the management has pleaded that the CDRI is a laboratory of Council of Scientific & Industrial Research, New Delhi (CSIR), and the CSIR being a Society is totally owned and controlled by the Government of India and has been brought by the Government of India through its extra-ordinary Gazette dated 31.10. 1986 under the jurisdiction of Central Administration Tribunal Act, 1985 vide Notification dated 31.10. 1986 under the jurisdiction of Central Administrative Tribunal Act, 1985.

The Section 14 (2) of the Central Administrative Tribunals Act, 1985 is reproduced as under:

14. Jurisdiction, powers and authority of the Central Administrative Tribunal. -

(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to-

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning-

(i) a member of any All-India Service; or

(ii) a person [not being a member of an All-India Service or a person referred to in clause

(c)] appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or post connected with defence, and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation for society) owned or controlled by the Government;

(C) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (m) of clause (b), being a person whose services have been placed by a State Government or any focal or other authority or any corporation for society) or other body, at the disposal of the Central Government for such appointment (Explanation For the removal of doubts, it is hereby declared that references to "Union" in this sub- section shall be construed as including references also to a Union territory]

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to focal or other authorities within the territory of India or under the control of the Government of India and to corporations for societies] owned or controlled by Government, not being a local or other authority or corporation for society controlled or owned by a State Government: Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [or societies).

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation for society), all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court []) in relation to-*

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation for society), and

(b) all service matters concerning a person other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation for society) and pertaining to the service of such person in connection with such affairs.

Moreover, the notification dated 31.10.1986 relied upon by the management of CDRI is as follows:

"G.S.R..... In exercise of the powers conferred by sub- section (2) of section 14 of the Administrative Tribunals act, 1985 (13 of 1985), the Central Government hereby specifies the 17th day of November, 1986 be the date on and from which the provisions of sub-section (3) of the Section 14 of the said Act shall apply to the Council of Scientific and Industrial Research, being the society owned or controlled by Government and makes the following amendments in the notification of the Government of India in the Ministry of personnel, Public Grievances and Pension (Department of Personnel & Training) No. G.S.R. 936 dated the 2 May, 1986, namely in the said notification, in the Schedules alter serial number 5 and entries relating thereto, the following shall be inserted namely:-

6. Council for Scientific and Industrial Research Society"

[No.A-11019/16/85-AT)

S.K. PARTHASHRTHY; Jt. Secy

Thus, from bare perusal of the above quotes provision of the section 14 of the Central Administrative Tribunals Act, 1985 read with notification dated 31. 10. 1986, it is clear that the cases pertaining to CDRI being a laboratory f Council of Scientific & Industrial Research, New Delhi (CSIR), comes in jurisdiction of the Central Administrative Tribunal in terms of Section 14 of Re Central Administrative Tribunals Act, 1985; and this Tribunal lacks jurisdiction to adjudicate the present industrial dispute referred to it.

11 Therefore, in light of above findings the other issues raised in the present industrial dispute by the parties are not required to be discussed/adjudicated.

He further submits that the same view was also reiterated by this Hon'ble Tribunal in I.D. case No. 60/2007 Ashok Kumar versus Director Central Drug Research Institute Chatar Manzil, Quisherbagh Lucknow by means of award dated 2nd February 2021.

Moreover Hon'ble Allahabad High Court bench Lucknow in writ petition No. 2684/2021 Prem Chandra Vs. Presiding Officer Industrial Tribunal (II) (U.P.) passed order dated 20.01.2020 quoted herein below:-

Hon'ble Sudhir Agarwal J.

1. Heard Sri P.R. Gupta, learned counsel for petitioner and Sri A.K. Chaturvedi, Senior Advocate assisted by Sri Dharmendra Kumar Dixit, learned counsel for respondent.
2. This writ petition is directed against award dated 08.07.1997 passed by Industrial Tribunal (2) U.P. at Lucknow (hereinafter referred to as "Tribunal") in Adjudication case No. 50 of 1991 declining to allow the same by holding that reference is bad in law on the ground that Central Drug Research Institute respondent 2 is not an "Industry" within definition of section 2 (J) of Industrial Disputes Act, 1947 (hereinafter referred to as "Act, 1947").
3. Learned counsel for respondent has relied on a Supreme Court judgment in Physical Research Laboratory vs. K.G. Sharma, 1997) SCC 257 wherein after considering a Larger Bench judgment of Supreme Court in Bangalore Water Supply and Sewerage Board v. A. Rajappa, 1978 (2) SCC 213, Court has held that Research Institute run by Central Government is not covered by the term "Industry" as defined under Section 2 (J) of Act, 1947.
4. When questioned, learned counsel for petitioner could not distinguish the aforesaid judgment and also did not place any other authority before this Court so as to persuade a different view.
5. In view thereof, I find no manifest error in the award passed by Tribunal warranting any interference by this Court. This petition lacks merit.
6. Dismissed accordingly. Interim order, if any, stands vacated.

The said fact has not been disputed by learned counsel for appellant.

For the forgoing reasons the present adjudication case filed by appellant is liable to be dismissed as Council of Scientific & Industrial Research (CSIR) is not "Industry" as per definition of industry given under section 2(J) of the Industrial Dispute Act.

Award as above.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 232.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय कमान अधिकारी, स्टेशन वर्कशॉप ई. एम. ई. लखनऊ कैंट; महानिदेशक, ई. एम. ई. निदेशालय, एम.जि. ओ.स. ब्रांच आई एच.क्यू. ऑफ एम ओ.डी.आर्मी नई दिल्ली व लेखा परीक्षा अधिकारी 36, लाल बहादुर शास्त्री, मार्ग, लखनऊ, के प्रबंधन के संबंध में नियोजकों और महासचिव, इलेक्ट्रिक इंजीनियरिंग कर्मचारी संघ, न्यू डिफेंस कॉलोनी, बी.एस. मार्ग, लखनऊ, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- लखनऊ पंचाट (संदर्भ संख्या 36/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 06/02/2024 को प्राप्त हुआ था।

[सं. एल-14011/7/2019-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th February, 2024

S.O. 232.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 36/2019) of the **Central Government Industrial Tribunal cum Labour Court –Lucknow**, as shown in the Annexure, in the Industrial dispute between the employers in relation **Commanding Officer, Station Workshop E.M.E. Lucknow Cantt.;** **The Director General, E.M.E. Directorate, M.G. Dew. Branch I HQ Of M.O.D. Army, New Delhi and Audit Officer 36, Lal Bahadur Shastri, Marg, Lucknow,** and **The General Secretary, Electric Engineering Employees Union, New Defence Colony, B.S. Marg, Lucknow**, which was received along with soft copy of the award by the Central Government on 06/02/2024.

[No. L- 14011/7/2019- IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW****PRESENT**

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 36/2019

L-14011/7/2019-IR(DU) dated 03.06.2019

BETWEEN

General Secretary, Electric Engineering Employees Union,

B- 185/1, New Defence Colony, B.S. Marg, Lucknow - 226002

AND

कमान अधिकारी, स्टेशन वर्कशाप ई० एम० ई० लखनऊ कैंट, महानिदेशक, ई० एम० ई० निदेशालय, एम.जि. ओ.स. ब्रांच आई
एच.क्यू. ऑफ एम ओ.डी.आर्मी, नई दिल्ली व लेखा परीक्षा अधिकारी 36, लाल बहादुर शास्त्री, मार्ग, लखनऊ-226002

AWARD

By order No. L-14011/7/2019-IR(DU) dated 03.06.2019 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“क्या प्रबंधन, स्थानीय समरशाला, ईएमई, लखनऊ व मुख्यालय, नई दिल्ली द्वारा विद्युत यांत्रिक अभियंता कर्मचारी संघ, लखनऊ कैंट की मांग बिंदु संख्या 02 से लेकर 09 तक की मांगों का निस्तारण न किया जाना न्यायोचित एवं वैध है? यदि नहीं तो वादी यूनियन किस राहत को पाने का हकदार है?”

Accordingly, an industrial dispute No. 36/2019 has been registered on 16.12.2019.

From the perusal of record, the position which emerge out is that after exchange of pleadings by an order dated 17.11.2020 the matter was fixed for filing of workman's evidence.

On 04.10.2022, following order was made:

“Case called out

Last opportunity is granted to file WE(aff) failing which case shall proceed ex-parte.

List on 19.12.2022.”

On 19.12.2022, following order was passed:

“Matter taken up in revised list.

Parties absent.

List on 3.4.2023 for ex-parte hearing.”

Needless to mention that from the perusal of order sheet, it appears that neither workman nor his authorized representative has appeared to press the case on behalf of the claimant since 15.11.2021.

When the matter was taken up for hearing on 28.08.2023, in revised cause list, the following order was passed:

“Matter taken up in revised list.

Parties absent.

List on 29.12.2023 for ex-parte hearing. Notice to parties.”

On 29.12.2023 the parties remained absent in spite of notice; accordingly, matter was taken up in revised list.

Findings & Conclusion:

Taking into consideration the above said facts as well as the law laid by Hon'ble High Court in the case of *V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194* as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative

for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of *M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others* 2008 (118) FLR 1164 Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

Hon'ble Allahabad High Court in the case of *District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd.* 2010 (126) FLR 519 has held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

Thus, taking into consideration the facts on record that in the present case the workman has not filed any oral/documentary evidence in support of his claim, so the same is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 233.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय परियोजना प्रबंधक, मेसर्स नवयुग इंजीनियरिंग कंपनी लिमिटेड, मलेथा, टेहरी गढ़वाल (यू.के.), के प्रबंधन के संबंध में नियोजकों और महासचिव, संविदा श्रमिक संघ, देहरादून, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- लखनऊ पंचाट (संदर्भ संख्या 21/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 06/02/2024 को प्राप्त हुआ था।

[सं. एल- 42011/157/2022-आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 7th February, 2024

S.O. 233.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 21/2022**) of the **Central Government Industrial Tribunal cum Labour Court –Lucknow**, as shown in the Annexure, in the Industrial dispute between the employers in relation **The Project Manager, M/s Navayuga Engineering Company Ltd., Maletha, Tehri Garhwal, (U.K)**, and **The General Secretary, Samvida Shramik Sangh, Dehradun**, which was received along with soft copy of the award by the Central Government on **06/02/2024**.

[No. L- 42011/157/2022- IR (DU)]

दिलीप कुमार, अवर सचिव

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No.21/2022

No.-L-42011/157/2022-IR (DU)

G. Secy. Samvida Shramik Sangh Vs. M/s Navayuga Engin. Comp. Ltd.

BETWEEN

The General Secretary,
Samvida Shramik Sangh,
Dehradun- 248001

.....Applicant

AND

The Project Manager
M/s Navayuga Engineering Company Ltd.
Maletha, Tehri Garhwal (UK)-249001

Opposite Party

AWARD

By letter/order dated 17.05.2022 calling reference has made to this Tribunal for adjudication.

"Whether the action of the management of M/s Navayuga Engineering Company Ltd. (on the construction work for RVNL package-5) of transfer of services of Sri Vikash Singh Ashwal w.e.f. 12.11.2021, as raised by Samvida Shramik Sangh, Dehradun, is unjustified and out of victimization? If so, what relief Sri Vikash Singh Aswal is entitled to?"

A statement of claimant has been filed on behalf of the workman inter-alia stating therein that workman Sri Vikas Singh Aswal was appointed in Navuga Engineering Company Limited (hereinafter referred as establishment) on 09.07.2020 on the post of head operator.

Further it was stated by claimant in claim statement that he had participated in the protest made by the union against the harassment of the employees working in establishment so by order dated 22.12.2021 he was transferred from Lucknow to Vijaybada Andhrapradesh the said information was given to him orally on telephone.

In the paragraph 8 of the written statement it is also pleaded that on 13.11.2021 when he appeared to work; he not allowed to work by the respondent of the establishment on the ground that he has been transferred to Vijaybada.

Accordingly in view of the said factual background it has been prayed that the transfer order / impugned action of the establishment thereby transferring the claimant/ Sri Vikas Singh Aswal from Lucknow to Vijaybada by order dated 12.11.2021 may be set aside.

On behalf of the respondent a written statement has been filed along with affidavit of Sri N.K. Prasad of paragraph 2, 3 and 4 it has been mentioned as under:-

2. That, in the above stated Adjudication ID Case, it is the Applicant Union which had espoused and raised the alleged "industrial dispute" pertaining to transfer of one of their member - Vikas Singh Aswal, which upon failure of conciliation has been referred for adjudication before the Honorable Tribunal/Court.

3. That, now, the matter/alleged dispute pertaining to the transfer of Vikas Singh Aswal, at the insistence of the Applicant Union and subsequent mutual discussions, bipartite talks between the above stated parties, has been amicably resolved and settled with the Applicant Union, where upon the said Vikas Singh Aswal, has been mutually and amicably adjusted and accommodated / taken in the services of the Opposite Party Company again with effect from 01.12.2022, to the satisfaction of all concerned and accordingly his transfer so effected in the past has been revoked.

4. That, hence, as of now no 'industrial dispute emanating from the Reference Order bearing No. L-42011/157/2022-IR (DU) either subsists or remains pending for adjudication between the above stated parties.

Further Sri Vikas Singh Aswal filed an affidavit on 17.03.2023 inter-alia stating therein.

शपथकर्ता निम्नलिखित सशपथ कथन करता है।

1- यह कि शपथकर्ता उपरोक्त विवाद में वादी कर्मकार है।

2. यह कि उपरोक्त वाद में पक्षों के मध्य सौहार्दपूर्ण वातावरण में समझौता हो गया है, जिसमें शपथकर्ता को प्रतिवादी पक्ष नवयुगा इंजीनियरिंग कंपनी लि० मलेथा टिहरी गढ़वाल द्वारा दिनांक 01.12.2022 को पुनः सेवा में बहाल कर दिया गया है इसलिये पक्षों के मध्य किसी प्रकार का कोई विवाद शेष नहीं रह गया है।

3. यह कि शपथकर्ता पक्षों के मध्य हुए समझौते पूर्णरूप से संतुष्ट है।

For the foregoing reasons as the parties entered into settlement/compromised in respect to dispute which is involved in the present adjudication case.

Accordingly the present case is disposed off on the ground that the parties as settled their dispute amicably.

Award as above.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 234.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और अमरजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (160/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-1)-79]

सलोनी, उप निदेशक

New Delhi, the 7th February, 2024

S.O. 234.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.160/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Amarjit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-79]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.160/2016

Registered On:-11/11/2016

Amarjit Kaur W/o Sh. Major Singh R/o Village, Hardaspur, Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-12.12.2023

1. The workman Smt. Amarjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 235.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी **एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला**, संबद्ध नियोजको और जसवीर कौर, **कामगार**, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (159/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-I)-78]

सलोनी, उप निदेशक

New Delhi, the 7th February, 2024

S.O. 235.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 159/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court – I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Jasveer Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-78]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.159/2016

Registered On:-11/11/2016

Jasveer Kaur W/o Sh. Jarnail Singh R/o Village Kalwa Janjherian Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-12.12.2023

1. The workman Smt. Jasveer Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Office

नई दिल्ली, 7 फरवरी, 2024

का.आ. 236.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और गुरमित कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़के पंचाट (158/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-77]

सलोनी, उप निदेशक

New Delhi, the 7th February, 2024

S.O. 236.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.158/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Gurmit Kaur.Worker.

[No. L-12025/01/2024- IR(B-I)-77]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.158/2016

Registered On:-11/11/2016

Gurmit Kaur W/o Amrik Singh R/o Village Jahlan Ranbirpura Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-12.12.2023

1. The workman Smt. Gurmit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the IDAct, 1947

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 237.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल .आई .जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और बिक्रमजीत सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (157/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-76]

सलोनी, उप निदेशक

New Delhi, the 7th February, 2024

S.O. 237.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.157/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Bikramjit Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-76]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.157/2016

Registered On:-11/11/2016

Bikramjit Singh S/o Sh. Dalip Singh R/o P.O. Dhablan Tehsil & Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

AWARD

Passed On:-12.12.2023

1. The workman Sh. Bikramjit Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 238.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण -सह- श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या 04/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/51/2017-आई-आर- (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 7th February, 2024

S.O. 238.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.04/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/51/2017– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 04 OF 2018

PARTIES: Ashok Kumar Roy.
Vs.

Management of Dhemomain Colliery of ECL and Another.

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 25.01.2024**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/51/2017-IR(CM-II)** dated 09.01.2018 has been pleased to refer the following dispute between the employer, that is the Management of Dhemomain Colliery under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Dhemomain Colliery under Sodepur Area in imposing a punishment of dismissal on Shri Ashok Kumar Roy, U G Loader vide order No. DMA/A/C-6/Dismissal/04/108 dated 03.07.2004 is just ad legal? If not, to what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/51/2017-IR(CM-II)** dated 09.01.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 04 of 2018** was registered on

23.01.2018 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and their list of witnesses.

2. Ashok Kumar Roy filed written statement on 18.11.2022 through Koyala Mazdoor Congress (HMS). The management of Eastern Coalfields Limited (hereinafter referred to as ECL) filed their written statement on 08.02.2023. The fact of the case of the aggrieved workman, in gist, is that he was a permanent employee of Dhemomain Colliery under Sodepur Area of ECL and posted as Underground Loader having U.M. No. 129089. He could not attend his duty due to illness w.e.f. 18.03.2003. After recovery from his illness, he went to join his duty but the colliery Management did not allow him to join and issued a Charge Sheet on 22.12.2003. It is contended that the workman should be allowed to join his duty before any disciplinary action is taken against him on the basis of a proper enquiry. It is the case of the workman that short Notice of enquiry was sent fixing 16.03.2004 as the date of enquiry. The letter reached the address after the expiry of the date fixed for enquiry for which it was not possible for him to participate. The workman did not have any information about the enquiry. Further contention of the workman is that for his absence from duty for nine (9) months i.e. from 18.03.2003 to 20.12.2003 the management should not have imposed a grave punishment, disproportionate to the offence but in the instant case management awarded the highest and extreme punishment. According to the charged employee he is thirty-eight (38) years of age and in the Memorandum of Settlement reached before the Regional Labour Commissioner (Central), Asansol dated 22.05.2007 it was agreed that the workman who had absented from duty up to nine months and was within forty-five (45) years of age should be considered for reinstatement in duty on the basis of merit. The dismissed employee therefore should have been considered for reinstatement. Ashok Kumar Roy in his written statement prayed for allowing him to join duty and grant him full back wages with all other consequential benefits.

3. The management contested their case by filing written statement. According to the management Ashok Kumar Roy was permanent employee of ECL at Dhemomain Colliery. His date of appointment is 22.08.2000. it is claimed that a Charge Sheet was issued to Ashok Kumar Roy on 22.12.2003 for his absence from duty from 18.03.2003 to 20.12.2003. Mr. S. K. Chatterjee, the then Personnel Manager of Dhemomain Group was appointed as the Enquiry Officer. The Enquiry Officer issued several Notices of enquiry to Ashok Kumar Roy for his appearance in the Enquiry Proceeding. After three Notices of enquiry the Enquiry Proceeding was conducted ex-parte on 05.05.2004 and charges of unauthorized absence from duty from 18.03.2003 to 20.12.2003 was proved. Further case of the management is that the attendance of the workman in the year 2001 was nil, 134 days in the year 2002, and only 38 days in the year 2003 for which he had been punished by reduction of his pay. A Second Show Cause Notice was issued to Ashok Kumar Roy on 07/11.05.2004 and then a letter dated 03.07.2004 was issued to him dismissing him from service. The management contended that the punishment awarded to the workman is totally justified and in accordance with his misconduct and that the dismissed workman is not entitled to any other relief or reliefs.

4. In support of his case Ashok Kumar Roy filed an affidavit-in-chief and adduced evidence. He has examined himself as workman Witness – 1. He has stated that the management issued Charge Sheet on 22.12.2003 but he could not attend enquiry because Notice of enquiry was not received in time. The Enquiry Officer conducted the Enquiry Proceeding ex-parte and recommended his dismissal and the General Manager of Sodepur Area dismissed him from the services. The letter of dismissal was issued by the Agent of the colliery on 03.07.2004. The workman witness further averred that management awarded disproportionate punishment to him. He claimed that management did not issue any Second Show Cause Notice before issuing letter of dismissal. In his examination-in-chief the witness stated that he was absent from duty due to illness and he did not receive any Charge Sheet nor did he receive any Notice of enquiry. Photocopy of the letter of dismissal dated 03.07.2004 has been produced by the witness as Exhibit W-1 and photocopy of the letter dated 16.11.2015 submitted by the workman for his reinstalment, as Exhibit W-2. In course of cross-examination workman witness -1 deposed that he was suffering from malaria but he did not take medicine from any doctor. During his illness he was residing at Dhemomain Colliery. He further deposed that he was unable to perform the work of a loader for which he remained absent. WW-1 deposed that he did not submit any application before the Agent / Manager informing that he was unable to perform the work of a loader. A suggestion was put to the witness that Charge Sheet, Notice of enquiry and other documents relating to departmental enquiry were issued at his Dhemomain Colliery address and the same had been delivered to him. The witness denied the suggestion. He admitted that in the year 2003 he attended duty for 38 days. The witness also denied the suggestion that he was not suffering from illness or that he intentionally remained absent from duty due to which Charge Sheet was issued to him.

5. Smt. Gangula Meena Kumari, Deputy Manager (Personnel) of Dhemomain Colliery adduced evidence as Management Witness -1 and filed her affidavit-in-chief in support of the management case. In course of her evidence the witness deposed that she is unable to file a copy of Charge Sheet in connection with the case and Ashok Kumar Roy did not file any reply to the Charge Sheet. She also deposed that she was unable to produce document to show that the Charge Sheet and Notice of enquiry were served upon the workman. No A/D card or receipt of endorsement of the workman regarding service of Notice has been produced. In her evidence the management witness has produced the following documents :

- (i) Photocopy of the Appointment letter of the Enquiry Officer dated 13/16.02.2004 has been produced as Exhibit M-1.
- (ii) Photocopy of the Notice of enquiry, as Exhibit M-2.
- (iii) Photocopy of the 2nd Notice of enquiry, as Exhibit M-3.
- (iv) Photocopy of the 3rd Notice of enquiry, as Exhibit M-4.
- (v) Photocopy of the Enquiry Proceeding, as Exhibit M-5.
- (vi) Photocopy of the Second Show Cause Notice, as Exhibit M-6.
- (vii) Photocopy of the Note Sheet with approval for dismissal by the General Manager, as Exhibit M-7.
- (viii) Photocopy of the Letter of dismissal issued by the Agent, as Exhibit M-8.
- (ix) Photocopy of the Letter issued by the Dy. Chief Personnel Manager, Sodepur Area regarding decision of the General Manager for dismissal of Ashok Kumar Roy, as Exhibit M-9.

In course of cross-examination the witness deposed that the Second Show Cause Notice was addressed to Ashok Kumar Roy at Dhemomain Colliery. No other address was mentioned in the letter. It is deposed that the letter of dismissal from work was communicated to the workman by the Agent of Dhemomain Group on 03.07.2004. Suggestion was put to the witness that the Enquiry Proceeding was initiated against Ashok Kumar Roy without service of Charge Sheet, Notice of enquiry, and Second Show Cause Notice and that the punishment imposed in this case is disproportionate to the charge levelled. The witness having denied the suggestion, the question arising thereof is the subject matter of adjudication.

6. Mr. Rakesh Kumar, Union representative argued that the order of dismissal has been passed against the workman without service of Charge Sheet, Notice of enquiry, Second Show Cause Notice along with Enquiry Proceeding, keeping the workman in darkness about the enquiry proceeding. He was unable to represent his case and the order of dismissal passed against him cannot be sustained under the law as it amounted in gross violation of natural justice. Mr. Rakesh Kumar, Union representative argued that according to the Memorandum of Settlement dated 22.05.2007, the workman who is considerably young and had been absent due to illness for a period of nine months, may be reinstated in service without payment of back wages.

7. Mr. P. K. Das, learned advocate for the management of ECL argued that workman was dismissed from service due to his habitual and long absence without any intimation to the company. It is further argued that long absence of the workman is a manifestation of misconduct and indiscipline which adversely affects the work of the employer and production process. It is contended that the punishment meted out to the workman was in consonance with his misconduct and charge proved against him, as such the order of dismissal against Ashok Kumar Roy is justified and there is no reason for any interference with the order of dismissal.

8. I have considered the rival contentions in this case in the light of evidence adduced by the parties and the argument advanced on behalf of both parties. Admittedly the workman had absented from service for nine (9) months and three (3) days for the period from 18.03.2003 to 20.12.2003. The workman claimed that he was suffering from illness for which he was unable to attend his work. In his cross-examination workman witness stated that he was suffering from Malaria but did not take any medicine from doctor. The workman failed to produce any document in support of his medical treatment. A person on his own cannot determine the nature of its malady nor can he be normally expected to suffer illness for such a long period of nine (9) months without taking any medicine which could have been available. Such evidence of workman witness is not found reliable. In the later part of his evidence the workman disclosed that he was unable to perform the work of loader for which he remained absent. The statement of the workman has to be considered seriously to assess whether the workman was absented from duty for any type of illness or his inability to perform his work in the capacity of a loader.

9. In order to justify the dismissal of Ashok Kumar Roy from service for his habitual absence from duty the onus lies upon the management to prove that a proper enquiry proceeding was held against the workman before he was held guilty of the charge. From the initial stage the workman has contended that no Notice of enquiry or Second Show Cause Notice was served upon him and he was unaware about any Enquiry Proceeding. In the written statement the workman has mentioned that a Charge Sheet was issued to him on 22.12.2003 but no Notice of enquiry was served upon him in time. None of the parties have been able to produce a copy of Charge Sheet at the time of hearing at this Tribunal. The Management Witness -1 in her evidence stated that she cannot file photocopy of the Charge Sheet in connection with the case and that Ashok Kumar Roy did not reply to the Charge Sheet. Considering such evidence on record I have no hesitation to hold that the management has miserably failed to establish the very foundation of the Enquiry Proceeding. It is not known as to what charge was framed against the workman. The management was unable to show that the Charge Sheet and Notice of enquiry were served upon the workman. No A/D card or receipt of endorsement of the workman regarding service of Notice has been produced. The Enquiry Proceeding was held ex-parte. There is no material on record to show that Second Show Cause Notice was served

upon the workman. The letter of dismissal dated 03.07.2004 (Exhibit M-8) was issued by the Agent and not by the competent authority. In view of the aforesaid major lapses on part of the management, I am of the considered view that the workman was illegally dismissed without giving him any opportunity to defend his case. There has been gross violation of natural justice as the management did not ensure proper service of Charge Sheet, Notice of enquiry and 2nd Show Cause Notice upon the workman before imposing such a grave punishment of dismissal from services. The order of dismissal of Ashok Kumar Roy issued by the Agent of Dhemomain Group on 03.07.2004 is found not tenable under the law and the same is set aside.

10. Ashok Kumar Roy is entitled to be reinstated in his service. Considering long absence of the workman from his duty, he is not entitled to any back wages or consequential reliefs. The management is directed to take appropriate steps for reinstatement of Ashok Kumar Roy within two (2) months from the date of receipt of Notification. The period of absence of Ashok Kumar Roy from service shall be treated as 'dies non'.

Hence,

ORDERED

that the Industrial Dispute is accordingly disposed of in favour of the workman on contest. The letter of dismissal issued by the Agent of Dhemomain Group dated 03.07.2004 is not tenable under the law and the same is set aside. The management is directed to reinstate Ashok Kumar Roy to his post within two (2) months from the communication of the Notification of the Award. The workman shall not be entitled to any back wages or consequential benefits during his absence from duty. An Award be drawn up in favour of Ashok Kumar Roy in the light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 239.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 16/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल. 22012/43/2021.आई.आर. (सी.एम.II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 7th February, 2024

S.O. 239.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.16/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/43/2021 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 16 OF 2021

PARTIES: Chandrika Beldar and 10 others.

Vs.

Management of Narsamuda Colliery of ECL and Another.

REPRESENTATIVES:

For the Union/Workmen: Mr. R. K. Tripathi, Union representative.
 For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal
STATE: West Bengal.
Dated: 09.01.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/43/2021-IR(CM-II)** dated 16.09.2021 has been pleased to refer the following dispute between the employer, that is the Management of Narsamuda Colliery under Sodepur Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Narsamuda Colliery under Sodepur Area in not giving the post of SDL Operator after completion of three years of service as SDL Helper i.e. w.e.f. 2012 with notional seniority in respect of (1) S/Shri Chandrika Belder (2) Shyamal Bouri (3) Kanhiya Muchi (4) Kanhiya Rajbhar (5) Kailash Rajbhar, (6) Abid Hussain (7) Baidyanath Majhi (8) Kanan Majhi (9) Thakur Paswan (10) Amit Nunia and (11) Jamaluddin Mia is just and legal? If not, to what relief the workmen are entitled to? ”

1. On receiving Order **No. L-22012/43/2021-IR(CM-II)** dated 16.09.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 16 of 2021** was registered on 17.09.2021 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited and Mr. R. K. Tripathi, union representative are present. The case is fixed up today for further evidence of workman witness and evidence of management witness.
3. In this Reference case eleven workmen namely Shri Chandrika Beldar, Shyamal Bouri, Kanhiya Muchi, Kanhiya Rajbhar, Kailash Rajbhar, Abid Hussain, Baidyanath Majhi, Kanan Majhi, Thakur Paswan, Amit Nunia, and Jamaluddin Mia had raised the Industrial Dispute that the management of Narsamuda Colliery under Sodepur Area of Eastern Coalfields Limited did not designate and post them as SDL Operator after completion of three years of service as SDL Helper w.e.f. 2012 with notional seniority. Parties initially contested the case and evidence has been adduced by Baidyanath Majhi on behalf of other SDL Helpers. Mr. R. K. Tripathi, union representative of Koyala Mazdoor Congress has filed a petition before this Tribunal today i.e. on 09.01.2024 stating that the management of Eastern Coalfields Limited considered the promotion of Chandrika Beldar and others to the post of SDL Operator. It has not been clearly stated in the petition whether the said workmen have been promoted to the post of SDL Operators or not. However, employees are not interested to continue further and prayed for closing the proceeding. In view of application submitted, it appears to me that concerned workmen are not inclined to proceed further. Same is accordingly dismissed for non-prosecution.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 240.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या **09/2011**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/56/2011.आई.आर. (सी.एम.II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 7th February, 2024

S.O. 240.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 09/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**

[No. L-22012/56/2011 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 09 OF 2011

PARTIES: Smt. Amrita Mejhian
Vs.
Management of Ghanshyam Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: None.
For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 09.01.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/56/2011-IR(CM-II)** dated 04.07.2011 has been pleased to refer the following dispute between the employer, that is the Management of Ghanshyam Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Ghanshyam Colliery, Kajora Area, M/s Eastern Coalfields Limited in denying compassionate employment to Smt. Amita Mejhain dependent wife of Lt. Rashu Majhi, Ex. Line Mistry as per NCWA is legal & justified? To what relief the concerned workman is entitled to? ”

1. On receiving Order **No. L-22012/56/2011-IR(CM-II)** dated 04.07.2011 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 09 of 2011** was registered on 18.07.2011/09.12.2011 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. The case is fixed up today for appearance of Amrita Mejhian, dependent wife of Late Rashu Majhi, Ex-employee and for hearing of argument. On repeated calls at 2.55 pm none appeared for Amrita Mejhian. Initially, Mr. G. P. Mal, learned advocate had appeared for the petitioner. Written statement and rejoinder were filed by the learned advocate for the petitioner wife and she adduced her evidence. Since 30.10.2018 none appeared for the dependent wife. In compliance with order dated 27.09.2022 Notice under registered post was issued to Amrita Mejhian directing her to appear in person and be properly represented for the proceeding. On six consecutive dates, none appeared for the dependent of Late Rashu Majhi.

3. On a perusal of the record, I find that Rashu Majhi has expired on 26.11.1994. Management of the company has examined Sri Proloy Dasgupta, Manager (Personnel) at Ghanshyam Colliery as Management witness-I. In his examination, witness produced a letter dated 29.03.2007/06.04.2007 issued by Personnel Manager (Empl) addressed to the Dy. C.P.M., Kajora Area, marked as Exhibit M-3, wherein he communicated that after going through the case file the competent authority has not agreed to consider the case as the relationship of female nominee with the deceased employee has not been established beyond doubt. This vital statement of witness and document has not been controverted on behalf of the claimant. Under such circumstance, I hold that the petitioner, Amrita Mejhian has not been able to establish her claim for compassionate appointment as dependent of Late Rashu Majhi. Reference case is accordingly dismissed.

Hence,

ORDERED

that an Award be drawn up in light of the above findings in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 7 फरवरी, 2024

का.आ. 241.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या 23/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/50/2022-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 7th February, 2024

S.O. 241.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference.I.D.No. 23/2022) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the Management of E.C.L. and their workmen, received by the Central Government on 04/01/2024

[No. L-22012/50/2022 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 23 OF 2022

PARTIES: Ratan Kumar Gupta
Vs.

Management of Mahabir OCP / Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Chandi Banerjee, Union representative.

For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 10.01.2024

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/50/2022-IR(CM-II)** dated 27.05.2022 has been pleased to refer the following dispute between the employer, that is the Management of Mahabir OCP /Colliery under Kunustoria Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the demand raised by Colliery Mazdoor Union (INTUC) against the Management of M/s. Eastern Coalfields Ltd. in relation to its Mahabir OCP/Colliery (under Kunustoria Area) for payment of arrear wages in respect of Sundays and Holidays to Shri Ratan Kumar Gupta, Foreman Incharge, UM No. 550822, of Mahabir OCP/Colliery on his reversion from Executive Cadre vide order dated 18/10/2013, is legal and justified? If yes, to what relief Shri Ratan Kumar Gupta is entitled? ”

1. On receiving Order **No. L-22012/50/2022-IR(CM-II)** dated 27.05.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 23 of 2022** was registered on 31.05.2022 / 01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. On repeated calls at 1.15 pm none appeared for Ratan Kumar Gupta, the aggrieved workman. Sufficient opportunities have been extended to the workman to take step for evidence in support of the claim. Mr. Chandi Banerjee, union representative who had been conducting the proceeding on behalf of workman is not found available on call.
3. It appears to me that workman is not inclined to proceed with the case. The Reference case is accordingly dismissed for non-prosecution.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 242.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या **33/2022**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/69/2022-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 7th February, 2024

S.O. 242.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.ID.No. 33/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/69/2022 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
 Presiding Officer,
 C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 33 OF 2022

PARTIES: Bijoy Hansda
 dependent son of Late Rabi Majhi
Vs.
 Management of Central Kajora Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Milan Kumar Bandyopadhyay, Adv.

For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 21.12.2023

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/69/2022-IR(CM-II)** dated 15.07.2022 has been pleased to refer the following dispute between the employer, that is the Management of Dhemomain Group of Mines of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the demand raised by Union i.e. Bharatiya Mazdoor Sangh against the management of Central Kajora Colliery, Kajora Area, M/s. E.C. Ltd. in not providing employment on compassionate ground under the provisions of NCWA to Sri Bijoy Hansda dependent son of Late Rabi Majhi is proper, legal and justified? If yes, to what relief Sri Bijoy Hansda dependent son of Late Rabi Majhi is entitled?”

1. On receiving Order **No. L-22012/69/2022-IR(CM-II)** dated 15.07.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 33 of 2022** was registered on 19.07.2022/01.08.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Milan Kumar Bandyopadhyay, learned advocate for Bijoy Hansda and Mr. P. K. Das, learned advocate for the management of ECL have appeared on 25.10.2022 and both parties filed their written statement on 10.01.2023.

3. The fact of the case as disclosed in written statement filed by Bijoy Hansda, the son of Late Rabi Majhi, through the union is that Rabi Majhi was a permanent employee at Central Kajora Colliery, having U.M. No. 553730 and was posted as Line Mistry. Rabi Majhi died on 15.05.2019 and Bijoy Hansda his dependent son submitted an application on 30.07.2019 claiming employment under Eastern Coalfields Limited (hereinafter referred to as ECL) on compassionate ground as per provision of National Coal Wages Agreement Limited (hereinafter referred to as NCWA). After scrutiny of the claim and the documents filed by the petitioner, the management in their letter No. ECL/CKC/P&IR/C-6/2019/2041 dated 14.08.2019 informed Bijoy Hansda that there were some discrepancies in the claim application and advised him to submit the same after rectification. On 14.11.2019 Bijoy Hansda went to submit a fresh application claiming employment after rectification of the discrepancies but the management refuse to receive the application on the ground that Late Rabi Majhi was terminated from service on 16.01.2019 due to his prolonged unauthorized absence since 26.12.2014. A letter to that effect was issued by the Chief Manager(M)/ Agent, Central Kajora Colliery dated 11.11.2019.

4. It is further contended that the management manipulated their records to establish that Late Rabi Majhi was removed from service prior to his death. According to the petitioner his father Late Rabi Majhi was a psychiatric patient and was under treatment of Dr. S. C. Biswal, a renowned Psychiatrist. It is submitted that Rabi Majhi replied to the Charge Sheet bearing No. CKC/P&IR/C-6/19/2015/194 dated 28.01.2015 along with documents showing continuation of his medical treatment. It is urged the Rabi Majhi could not attend his duty as he was suffering from

mental illness and he stated the same in his reply to the Charge Sheet issued against him. The petitioner claimed that Late Rabi Majhi's absence from duty was not willful and does not amount to misconduct. It is further indicated that the last working date of Late Rabi Majhi was 25.12.2014 and the Charge Sheet was issued on 28.01.2015. Therefore, the absence of duty was for thirty-four (34) days on medical ground but the management did not allow him to join duty. It is contended that no Notice of Enquiry was served upon the workman and an ex-parte enquiry was conducted which amounts to gross injustice. According to the petitioner no Show Cause Notice nor any order of dismissal was served upon Rabi Majhi during his lifetime and all such documents are manufactured and fabricated. In order to coverup the laps on the part of the management by not providing employment to the dependent according to the provisions of NCWA, the management removed Late Rabi Majhi from service prior to his death. The workers' union urged that Smt. Sukurmoni Mejhain, the wife of the deceased workman has been paid Group Gratuity amounting to Rs. 1,54,630/-, which is only paid in case of death of workman while in service. thereby the competent authority approved payment of gratuity after being satisfied that Rabi Majhi has expired while in service. It is contended that the action of the management in not providing employment to the dependent of Late Rabi Majhi is bad in law and the act of dismissing Rabi Majhi from service by subsequent issuance of letter of dismissal was against the principles of natural justice and is required to be treated as void.

5. The management of ECL in their written statement stated that due to absence from duty on and from 26.12.2014 Rabi Majhi was charge sheeted on 28.01.2015. He did not submit any reply to the Charge Sheet. The matter was referred for Domestic Enquiry and Notice of Enquiry was served several times but the workman did not appear to participate in the Enquiry Proceeding. Finally, an ex-parte proceeding was conducted and concluded on 27.12.2017, in which the charge of unauthorized absence from duty was proved without doubt. On the basis of such findings of the Enquiry Officer the General Manager of Kajora Area in his letter ECL/KA/APM/C-6/2019/10/951 dated 16.01.2019 dismissed Rabi Majhi from service. On 14.06.2019 the dependent son of Late Rabi Majhi applied for employment against the death of his father. The claim for employment of son of Rabi Majhi was regretted by the management as Rabi Majhi had been removed from the service of the company before his death and the same was communicated to him by letter No. ECL/CKC/P&IR/C-6/2019/2718 dated 01.11.2019. The management claimed that the son of Late Rabi Majhi is not entitled to any relief as his father had been dismissed from company's service prior to his death.

6. Bijoy Hansda has been examined as Workman witness – 1. He has filed an affidavit-in-chief wherein he had admitted that his father had received Charge Sheet but had no information regarding the domestic enquiry nor did he receive any Second Show Cause Notice and his father expired while he was in service. In support of the case several documents have been produced by the dependent of the workman which are as follows :

- (i) Photocopy of the Death Certificate of Rabi Majhi, marked as Exhibit W-1.
- (ii) Photocopy of the application submitted by Bijoy Hansda claiming employment dated 30.07.2019, marked as Exhibit W-2.
- (iii) Photocopy of the Reply dated 14.08.2019 issued by the company asking him for removal of discrepancy in the Employment Proposal, marked as Exhibit W-3.
- (iv) Photocopy of the letter dated 11.11.2019 issued by Chief Manager (M)/Agent, Central Kajora Colliery informing that Rabi Majhi has been removed from service on 16.01.2019, marked as Exhibit W-4.
- (v) Photocopy of the documents relating to the medical prescription and treatment, marked as Exhibit W-5 series (W-5 to W-5/15).

7. In cross-examination the witness admitted that his father absented from duty for four (4) years from 25.12.2014. he stated that they were not aware that any Departmental Enquiry was initiated against his father or any ex-parte enquiry was conducted or he was dismissed from service w.e.f. 16.01.2019. The workman witness (WW-1) produced a letter dated 30.07.2019 as (W-2) issued by him, addressed to the Sr. Manager (Min), Central Kajora Colliery, which bears a seal of receipt. From letter dated 14.08.2019 issued by Personnel Executive, Central Kajora Colliery (W-3), it is gathered that the management returned the employment proposal asking him to resubmit the same after clarifying the discrepancy that in the Indemnity Bond the name of workman was mentioned as Late Rabi Majhi @ Hansda but in the office records his name was mentioned as only Rabi Majhi. The management did not raise any objection / disowned issuance of letter dated 14.08.2019.

8. Management examined Mr. Proloy Dasgupta as Management witness -1. In his affidavit-in-chief the witness stated that Charge Sheet was issued to Rabi Majhi for his unauthorized absence from duty from 26.12.2014 but Rabi Majhi did not submit any reply to the Charge Sheet nor did he appear in the Enquiry Proceeding as such finally an ex-parte enquiry was concluded on 27.12.2017 and the charge was proved on the basis of the findings of the enquiry. Workman was dismissed from service by the order of the General Manager dated 16.01.2019. It is also stated that the claim for employment by the dependent of Late Rabi Majhi was regretted by the management through their letter dated 01.11.2019. Management produced the following documents in support of their case:

- (i) Photocopy of the Charge Sheet dated 28.01.2015, marked as Exhibit M-1.

- (ii) Photocopy of the Notice of Enquiry dated 27.06.2017, marked as Exhibit M-2.
- (iii) Photocopy of the Notice of Enquiry dated 29.09.2017 bearing Left Thumb Impression of Smt. Sukurmoni Mejhain, marked as Exhibit M-3.
- (iv) Photocopy of the Enquiry Proceeding dated 22.02.2016 in six pages collectively, marked as Exhibit M-4.
- (v) Photocopy of the Enquiry Report dated 15.02.2018 in four pages collectively, marked as Exhibit M-5.
- (vi) Photocopy of the Second Show Cause Notice dated 12/17.11.2018, marked as Exhibit M-6.
- (vii) Photocopy of the Order of dismissal dated 16.01.2019 issued by the General Manager of Kajora Area, marked as Exhibit M-7.
- (viii) Photocopy of the Death certificate of Rabi Majhi, marked as Exhibit M-8.
- (ix) Photocopy of the letter dated 11.11.2019 regretting the claim for the compassionate employment, marked as Exhibit M-9.

9. In his cross-examination the witness stated that the Second Show Cause Notice was not served upon the employee but it was served upon his wife. The witness could not state as to who served the Second Show Cause Notice and Notice of enquiry to the wife of Late Rabi Majhi. It appears from such evidence that the onus of proof regarding service of Second Show Cause Notice and Notice of enquiry could not be discharged by the management. Though management has claimed that Rabi Majhi had been dismissed from service prior to his death, it transpires from Exhibit W-3, a letter dated 14.08.2019 issued by the management to the dependent of Late Rabi Majhi that management at the first instance considered the claim for employment against the death of Rabi Majhi and indicated that there were some discrepancies regarding name of the workman appearing in the Indemnity Bond.

10. Let us now consider whether the decision of the management in not providing employment to Bijoy Hansda on compassionate ground against the death of Rabi Majhi is legal and justified.

11. Mr. Milan Kumar Bandyopadhyay, learned advocate for the petitioner advancing his argument in support of the claim for compassionate appointment for the son of Rabi Majhi submitted that the dismissal order of Rabi Majhi from his service is arbitrary and in violation of natural justice as the purported proceeding was conducted without service of Notice of enquiry, Second Show Cause Notice and without informing the outcome of the enquiry. The second fact of his argument is that Rabi Majhi was under medical treatment for his mental problem under Dr. S. C. Biswal, Psychiatrist who treated Rabi Majhi from 20.12.2014 for his mental illness until he died on 15.05.2019. The death certificate of the workman is produced as Exhibit W-1. It is contended that during his illness he was never informed about any domestic enquiry proceeding and no order of dismissal was ever served upon him during his lifetime. Learned advocate referring to the Enquiry Report produced by the management as Exhibit M-5, pointed out that the purported enquiry was based upon a Charge Sheet dated 28.01.2015 (Exhibit M-1) and the last and the final Notice of enquiry dated 27.06.2017 (Exhibit M-2) disclosed that the date of enquiry was fixed on 21.08.2017 at 10.00 am. Referring to the Enquiry Report learned advocate argued that if the Enquiry Officer deemed it fit to issue a last and final Notice of enquiry on 27.06.2017, it implies that the earlier notice were not served upon the charged employee. However, the Enquiry Report (Exhibit M-5) indicates that the first date of enquiry was 22.02.2016 and second hearing was conducted on 31.03.2016. Furthermore, contention of the petitioner's advocate is that the enquiry proceeding could not have been held on 22.02.2016 and 31.03.2016 without serving any Notice of enquiry disclosing dates of such enquiry. Learned advocate urged that the entire Enquiry Proceeding was a table-work which would be evident from the fact that there was an unexplained gap of one and a half years between the second and third date of enquiry. It is vehemently argued that not a single witness has been examined in the Domestic Enquiry and the management of ECL has miserably failed to prove the charge against the workman who was prevented from attending his duty due to prolonged illness. According to learned advocate for the petitioner there is no evidence on record to prove that the workman was ever informed about his dismissal during his lifetime. Drawing my attention to the Second Show Cause Notice (Exhibit M-6) learned advocate argued that the thumb impressions on the Second Show Cause Notice and the letter of dismissal dated 16.01.2019 does not belong to Smt. Sukurmoni Mejhain and the said documents were never served upon the workman. It is argued that the MW-1 failed to prove that the Notice of enquiry, Second Show Cause Notice or the order of dismissal were served upon Rabi Majhi. Therefore, the order of dismissal of Rabi Majhi dated 16.01.2019 is arbitrary, violative of natural justice and cannot be sustained under the law. It is argued that only after Late Rabi Majhi's son applied for compassionate appointment these documents have been prepared by the management to deny the right of compassionate appointment of Bijoy Hansda, which accrued in his favour under Clause 9.5.0 of NCWA-VI.

12. Controverting the claim for compassionate appointment of Bijoy Hansda, Mr. P. K. Das, learned advocate for the management of ECL argued that the Charge Sheet was served upon the workman and the same is admitted by WW-1 in his evidence-in-chief. The witness claimed that his father submitted reply against the Charge Sheet along with medical prescription but the fact is that the workman did not respond to the Charge Sheet and the union failed to produce any document to establish that the charge levelled against Rabi Majhi was denied by him by submitting any

reply nor any information was given to the management about the reason of his absence. Learned advocate argued that due process was observed in holding Domestic Enquiry and Notice of enquiry, Second Show Cause Notice and Order of dismissal were served upon the wife of the workman for his habitual absence from duty and remaining absent for a long period of more than ten days. Learned advocate for the management asserted that Rabi Majhi was dismissed from his service by the General Manager of Kajora Area on being satisfied that the charge of unauthorized absence and habitual absenteeism as per provisions of Certified Standing Order had been proved against him. Management ordered for removal of Rabi Majhi from service w.e.f. 16.01.2019. The workman was not in the role of employment of the company at the time of his death on 15.05.2019. Therefore, the prayer for compassionate appointment by the son of Rabi Majhi was regretted. It is argued that the claim for compassionate appointment cannot succeed as there was no employer-employee relation between ECL and Rabi Majhi at the time of his death. The Industrial Dispute is therefore liable to be dismissed.

13. I have carefully considered the facts and circumstances of the case, evidence produced by the parties as well as argument advanced by the learned advocates for the respective parties in support of the case. Admittedly, Rabi Majhi was a permanent employee under the management of ECL at Central Kajora Colliery bearing U.M. No. 553730. Due to his absence from duty a Charge Sheet was served upon him alleging gross misconduct under Section 26.23 and 26.29 of the Certified Standing Order of ECL for his unauthorized absence from duty for 26.12.2014 till 28.01.2015 and also for his habitual absence during the previous years, 2012, 2013, and 2014. There is no qualm that Rabi Majhi was absent from his duty and the Charge Sheet was served upon him. Bijoy Hansda, workman witness (WW-1) in his examination-in-chief deposed that Charge Sheet was issued to his father and he submitted a reply of the Charge Sheet along with copy of medical prescriptions to show that his father was under medical treatment. In cross-examination the witness replied that he was unable to produce document to show that his father had replied to the Charge Sheet. Since no copy of reply to the Charge Sheet was produced by the son of Rabi Majhi it would be presumed that the workman did not submit any reply to the Charge Sheet. The stage was therefore set for holding Domestic Enquiry. The management of ECL has miserably failed to adduce any evidence to prove that the Notice of enquiry was served upon Rabi Majhi or any adult member of his family through registered post or through any person. Under such circumstances the management cannot derive any benefit by producing copies of bare Notice of enquiry to show that prior Notice of enquiry was issued to Rabi Majhi fixing dates for enquiry. The Enquiry Report (Exhibit M-5) reveals that even before the last and final notice of Domestic Enquiry was issued on 27.06.2017 (Exhibit M-2) fixing 21.08.2017 as the date for enquiry, the Enquiry Officer held first hearing on 22.02.2016 and second hearing on 31.03.2016 despite the fact that no evidence of service of notice upon Rabi Majhi has come forth. A separate Notice of ex-parte hearing dated 29.09.2017 was issued fixing 27.12.2017 as the next date for enquiry. The said notice bears a thumb impression which has been described as L.T.I. (Left Thumb Impression) of Smt. Sukurmoni Mejhain. The thumb impression on the Notice has been marked as Exhibit M-3 with objection. The management witness (MW-1) failed to state as to who served the Notice on the wife of Rabi Majhi. When the question of service is under challenge the management has to discharge the burden of proof by examining the person in whose presence the Notice was served and the thumb impression identified. In the instant case no such evidence has been adduced. It further transpires from the Enquiry Report (Exhibit M-5) that no management representative was examined in this case to adduce any evidence and the finding has been arrived at without examining the person producing colliery documents regarding attendance. Management has also failed to explain why there was a delay of one and a half years between second and third date of holding enquiry. It is strange to find that the Notice of ex-parte enquiry dated 29.09.2017 (Exhibit M-3), Second Show Cause Notice dated 12/17.11.2018 (Exhibit M-6), Order of dismissal dated 16.01.2019 (Exhibit M-7) bears thumb impressions which are described as “L.T.I of Sukurmoni Mejhain” all in the handwriting of the same person. It cannot be a matter of coincidence that the same person took the L.T.I on these three documents on different dates and yet the management of the company failed to examine such person nor the documents bear his signature. In my considered view the finding of the said Domestic Enquiry arrived at without service of Notice of enquiry, Second Show Cause Notice, Enquiry Report, and Order of dismissal upon the charged employee during his lifetime is an arbitrary act, violative of natural justice and is liable to be set aside.

14. In the case of **Shankar Chakravarti vs Britannia Biscuit Company and another** [AIR (1979) SC 1652], the Hon’ble Supreme Court of India held that:

“ Having given our most anxious consideration to the question raised before us, and minutely examining the decision in Cooper Engineering Ltd. case (supra) to ascertain the ratio as well as the question raised both on precedent and on principle, it is undeniable that there is no duty cast on the Industrial Tribunal or the Labour Court while adjudicating upon a penal termination of service of a workman either under s. 10 or under s. 33 to call upon the employer to adduce additional evidence to substantiate the charge of misconduct by giving some specific opportunity after decision on the preliminary issue whether the domestic enquiry was at all held, or if held, was defective, in favour of the workman. Cooper Engineering Ltd. case merely specifies the stage at which such opportunity is to be given, if sought. It is both the right and obligation of the employer, if it so chooses, to adduce additional evidence to substantiate the charges of misconduct. It is for the employer to avail of such opportunity by a specific pleading or by specific request. If such an opportunity is sought in the course of the proceeding the Industrial Tribunal or the Labour Court, as the case may be, should grant the opportunity to lead additional evidence to substantiate the charges. But if no such opportunity is sought nor there is any pleading to that effect no duty is cast on the Labour Court or the

Industrial Tribunal suo motu to call upon the employer to adduce additional evidence to substantiate the charges. ”

In the instant case the Industrial Dispute referred to the tribunal for adjudication is regarding the legality and justification of ECL in not providing employment on compassionate ground under the provisions of NCWA to Sri Bijoy Hansda dependent son of Late Rabi Majhi. However, in deciding the said question it needs to be ascertain whether the dismissal of Rabi Majhi from his service is justified or not. The management of the company is seized of the issue and has placed documents relating to the Enquiry Proceeding and Order of dismissal. Having, considered the evidence on record it has been found that the Domestic Enquiry held against Rabi Majhi was not valid in the eye of law. Opportunity was granted to the employer to lead evidence to substantiate their case but the preponderance of the evidence leans in favour of the workman that he did not have the Notice of enquiry. It transpires from the medical prescription of Dr. S. C. Biswal (Exhibit W-5 series) that the workman was under medical treatment due to mental illness.

15. The absence of the workman was not willful and he adduced substantial evidence regarding mental illness (Exhibit W-5 series (W-5 to W-5/15)) which prevented him from attending his duty. Accordingly, Enquiry Proceeding is bad in law and its finding is set aside. In view of such findings I hold that Rabi Majhi is deemed to be in service at the time of his death on 15.05.2019. As he failed to perform any duty during his absence, his legal heirs are not entitled to any back wages. It is undisputed that Smt. Sukurmoni Mejhain has received Group Gratuity Cash Accumulation of LIC, introduced by ECL w.e.f. 29.06.2013 which is paid in case of death of employee during service. In the instant case the order of dismissal of Rabi Majhi from service w.e.f. 16.01.2019 is unjust, inappropriate and violative of natural justice. Bijoy Hansda submitted in his application dated 30.07.2019 before the Senior Manager (Min), Central Kajora Colliery, Kajora Area claiming employment on death of his father (Exhibit W-2). A letter was issued by the management in reply stating that in the Indemnity Bond the name of the employee was mentioned as Rabi Majhi @ Hansda but in the official records the name was noted as Rabi Majhi only for which the dependent of Rabi Majhi was asked to re-submit the application after removing the discrepancy.

16. The fact and circumstances of the case weigh heavily in favour of the petitioner Bijoy Hansda, the son of Rabi Majhi and the management is duty bound under the provisions of Clause 9.5.0 of NCWA-VI to consider the prayer for compassionate appointment of the son of the deceased employee whose dismissal from service appears to be unjust and not in accordance with law by keeping him in dark about the enquiry proceeding. The Industrial Dispute is accordingly decided in favour of Bijoy Hansda. The management of ECL is directed to consider his prayer for compassionate appointment as dependent of Rabi Majhi

Hence,

ORDERED

that the Industrial Dispute is allowed on contest in favour of petitioner / dependent of Late Rabi Majhi. Let an award be drawn up in favour of the petitioner to the effect that the dismissal of Late Rabi Majhi by order / letter dated 16.01.2019 issued by the General Manager of Kajora Area is illegal and the same is set aside. The prayer for compassionate appointment of Late Rabi Majhi's son be considered within three months from the date of Notification of this Award in accordance with Clause 9.5.0 of NCWA-VI. The decision of the management be communicated to the petitioner within a period of fifteen days thereafter. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 7 फरवरी, 2024

का.आ. 243.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (सन्दर्भ संख्या **21/2022**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/48/2022-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 7th February, 2024

S.O. 243.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 21/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/48/2022 – IR (CM-II)]

MANIKANDAN N., Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 21 OF 2022

PARTIES: Suku Majhi
Vs.
Management of Central Kajora Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Milan Kumar Bandyopadhyay, Adv.
For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 29.01.2024

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/48/2022-IR(CM-II)** dated 18.05.2022 has been pleased to refer the following dispute between the employer, that is the Management of Central Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Central Kajora Colliery, Kajora Area of M/s. E.C.Ltd. in not accepting the demand of Shri Suku Majhi S/o Late Baleshwar Maji, Ex-General Mazdoor Helper, U.M. No. 126207 for reinstatement in service (who was dismissed vide letter No. E.C.L./KA/APM/C-6/10/955 dated 07.06.2017) is proper, legal and justified? If not, to what relief the workman concerned entitled to?”

1. On receiving Order **No. L-22012/48/2022-IR(CM-II)** dated 18.05.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 21 of 2022** was registered on 24.05.2022 / 01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Initially a written statement was filed on behalf of the workman by Mr. Naren Chandra Das, President, Bharatiya Mazdoor Sangh, Union on 29.08.2022. On 26.09.2022 Mr. Milan Kumar Bandyopadhyay, learned advocate appeared on behalf of Suku Majhi and sought accommodation for filing a fresh written statement on the ground that the workman was unaware about the contents of the written statement filed on his behalf. Subsequently, a fresh written statement was filed by the workman on 13.12.2022. The fact of the case in brief, as delineated in the written statement is that Suku Majhi, a General Mazdoor bearing U.M. No. 126207 was posted at Central Kajora Colliery under Kajora Area of Eastern Coalfields Limited (hereinafter referred to as ECL). Due to his absence from duty a Charge Sheet was issued to him on 04.04.2017 on the charge of unauthorized and habitual absence from his duty from 27.02.2017 to 04.04.2017. An enquiry was held in respect of the charge without considering the explanation submitted in respect of the Charge. The workman was not allowed to take the assistance of any co-worker or to produce any defence witness. He was not aware that he had signed any document during to the Enquiry Proceeding. A Second Show Cause Notice was issued to him and Suku Majhi submitted his explanation but the same was not considered and he was finally dismissed from the service of the company by office order no. ECL/KA/APM/C-6/10/955 dated 07.06.2017 issued by the General Manager of Kajora Area.
3. According to the aggrieved workman the Enquiry Proceeding was held in a biased manner, disregarding the principles of natural justice. Further case of Suku Majhi is that his date of birth is 26.07.1974 and he is forty-eight (48) of age. The management entered into a Memorandum of Settlement on 22.05.2007 to accommodate its workmen who had absented for a period of nine months and were below forty-five (45) years of age so that they could be reinstated on the basis of the merit of their case. It is urged that in the present case the aggrieved petitioner has a good case as he was absent only for one month and seven days and that the Enquiry Officer had arrived at a finding by relying upon the evidence of a single witness. The contention of the workman is that the copy of Enquiry Proceeding is not supplied to him and he was compelled to sign on the document on direction of the Enquiry Officer. It is therefore urged that the punishment of dismissal imposed against the workman is illegal and void. It is contended

that in the Departmental Proceeding the disciplinary authority is required to prove that the delinquent was willfully absented from duty and in absence of such findings the charge of misconduct against the workman cannot be established. The workman claimed to have been absent from duty due to his illness and he stated the same in his reply to the Charge Sheet. The dismissed workman prayed for his reinstatement along with his full back wages by setting aside the order of termination from service.

4. The management of ECL filed their written statement on 13.12.2022. It is undisputed that Suku Majhi was a permanent employee and posted as a General Mazdoor at Central Kajora Colliery. His date of birth is 26.07.1974 and date of appointment is 24.01.1997. The specific case of the employer is that as per record of the employer company Suku Majhi was a habitual absentee and on the last occasion he was absent for more than ten (10) days without any information or sanction of leave. The management issued a Charge Sheet dated 04.04.2017 to Suku Majhi under Clause 26.23 of the Certified Standing Order applicable to the coal industry for a charge of habitual absence from duty without sufficient cause and under Clause 26.29 for absence from duty beyond 10 days without sanctioned leave or sufficient cause or overstaying beyond sanction of leave without valid reasons. The matter was referred for holding Domestic Enquiry and the workman participated in the Enquiry Proceeding which was held on 13.04.2017. During Domestic Enquiry opportunity of hearing was provided following the principles of natural justice. In course of proceeding charge of habitual and unauthorized absence were proved beyond doubt. The management then issued a Second Show Cause Notice vide reference no. ECL/CKC/Mgr/2017/145 dated 15.04.2017. The employee submits his reply to the Second Show Cause Notice which was not found satisfactory and thereafter on the findings of the Enquiry Proceeding the General Manager of Kajora Area vide letter no. ECL/KA/APM/C-6/10/955 dated 07.06.2017 dismissed Suku Majhi from service. The management established that Suku Majhi was a habitual absentee and he had attended work for 83 days in the year 2014, 79 days in the year 2015, 122 days in the year 2016, and 17 days in 2017 (up to 25.02.2017). The management asserted that absenteeism is a serious offence and it hampers the work of the employer and production process. Ample opportunity was provided to the workman to improve his performance in the previous three years but he did not make any amend nor did he improve his performance. The management urged that their action in dismissing the workman from his service is justified and he is not entitled to any relief.

5. Suku Majhi filed an affidavit-in-chief and examined himself as workman witness – 1. He has produced a photocopy of his reply to the Charge Sheet dated 06.04.2017 which is admitted as Exhibit W-1. He claimed for reinstalment in service and that he was absent for only 37 days due to his illness. It transpires from his evidence that he did not inform the company about the cause of his absence and he also asserted that he did not receive any Second Show Cause Notice after the enquiry. In course of his cross-examination the workman admitted that he attended duty for 83 days in the year 2014, 79 days in the year 2015, and 122 days in the year 2016. He further admitted that he could not attend his duty regularly for five years prior to dismissal. The witness however, failed to produce any medical document relating to his medical treatment in support of his illness. Though in the written statement it has been contended by the workman that he was not given the assistance of co-worker in the Enquiry Proceeding, in his cross-examination, he stated that he did not ask for help of co-worker during examination. On one had the workman stated that he did not receive Second Show Cause Notice after enquiry but in his cross-examination, he stated that on 19.04.2017 he submitted a reply to the Second Show Cause Notice requesting the authority to absolve him of the charges on the ground of illness.

6. Management examined Mr. Proloy Dasgupta, Manager (Personnel), Central Kajora Colliery as Management Witness – 1 and filed his affidavit-in-chief. In course of his evidence management has produced several documents as follows :

- (i) Photocopy of the Charge Sheet dated 04.04.2017 has been produced as Exhibit M-1.
- (ii) Photocopy of the reply submitted by Suku Majhi against the Charge Sheet on 06.04.2017, as Exhibit M-2.
- (iii) Photocopy of the Letter of Appointment of the Enquiry Officer, as Exhibit M-3.
- (iv) Photocopy of the letter of appointment of the Management Representative, as Exhibit M-4.
- (v) Photocopy of the Notice for enquiry dated 07.04.2017, as Exhibit M-5.
- (vi) Photocopy of the Enquiry Proceeding and Enquiry Report, as Exhibit M-6.
- (vii) Photocopy of the 2nd Show Cause Notice dated 15.04.2017, as Exhibit M-7.
- (viii) Photocopy of the reply of Suku Majhi against the 2nd Show Cause Notice, as Exhibit M-8.
- (ix) Photocopy of the letter of termination from service dated 07.06.2017 issued by the General Manager, Kajora Area as Exhibit M-9 and 9/1.
- (x) Photocopy of the Medical Certificate dated 20.03.2017, as Exhibit M-10.

7. In his cross-examination the witness deposed that Senior Manager (Min) of the colliery does not decide whether a 2nd Show Cause Notice should be issued to the charged employee or not. He admitted that 2nd Show Cause Notice was issued to Suku Majhi on 15.04.2017 and the report of Enquiry Proceeding was sent to the Senior Manager (Min), Central Kajora Colliery, which was received on 20.04.2017. On 19.04.2017 Senior Manager (Min) endorsed on the reply to the 2nd Show Cause Notice that it was not satisfactory and proposed for further action. The

witness deposed that the proposal for further action against Suku Majhi was submitted before the General Manager of Kajora Area in the form of Note Sheet which he was unable to produce at the time of evidence. The witness however stated that he was not in a position to state that if the order of dismissal was issued by the General Manager of Kajora Area on the basis of proposal of the Note Sheet by the Agent. The witness admitted that the workman had submitted a mercy petition after six months from his dismissal but the company did not reply the Mercy Petition as it was not accepted. The witness urged that Suku Majhi should not be reinstated in the service.

8. Mr. Milan Kumar Bandyopadhyay, learned advocate argued that the Enquiry Proceeding held against the workman was biased and in violation of natural justice as the workman was not given the opportunity to avail the assistance of co-worker. It is further argued that the workman was absented for only 37 days, for the period from 27.02.2017 to 04.04.2017 due to illness and the absence from duty was not wilful. Therefore, it did not constitute the charge of misconduct. Learned advocate in support of his argument relied upon a decision of the Hon'ble Supreme Court of India in the case of **Krushnakant B. Parmar vs Union of India and Another [(2012) 3 SCC 178]** wherein it was observed that :

“Absence from duty without any application or prior permission may amount to unauthorised absence, but it does not always mean wilful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his control like illness, accident, hospitalisation, etc., but in such case the employee cannot be held guilty of failure of devotion to duty or behaviour unbecoming of a government servant.”

Learned advocate for the workman argued that in his reply to the Charge Sheet (Exhibit W-10) the workman stated that he was suffering from illness and was under treatment of a private physician whose medical certificate was already submitted. The Enquiry Officer did not consider the medical document and held him guilty of the charge. Referring to the 2nd Show Cause Notice dated 15.04.2017 (Exhibit M-7) learned advocate argued that the Senior Manager (Min), Central Kajora Colliery has issued 2nd Show Cause Notice prior to receiving the Enquiry Proceeding and findings of the Enquiry Officer. It is submitted that the entire proceeding is biased and the management was predetermined to terminate the services of the workman. It is argued that management failed to produce the copy of the Note Sheet to prove that there was any proposal for dismissing the workman before issuance of the order of terminating by the General Manager of Kajora Area (Exhibit M-9). It is finally contended that even if letter of termination has been issued to the workman, the punishment imposed for being absent for only thirty-seven (37) days is disproportionate to the charge and the workman should be reinstated in the service on the basis of Memorandum of Settlement dated 22.05.2007.

9. Mr. P. K. Das, learned advocate for the management of ECL refuting the argument advanced on behalf of the workman, submitted that the workman deliberately remained absent from duty and in the previous years he was habitually absent citing different reasons. His attendance in work was meagre and on the last occasion he remained absent for 37 days without any leave, information or prior sanction. It is argued that no treatment paper was produced by the workman in support of his illness. It is pointed out that the workman participated in the Enquiry Proceeding where he admitted that he did not take any leave nor did he inform the management about his absence. In his cross-examination the workman deposed that he had only one medical certificate dated 20.03.2017 and no document relating to his medical treatment nor could he produce document to show he purchased medicine during the period of absence. Learned advocate argued that adequate opportunity was given to the workman to defend his case but he failed to give any proper and cogent reason for his absence from duty. The workman confessed his misconduct in course of Departmental Enquiry and he was found guilty of charges levelled against him as per Clause 26.23 and 26.29 of the Certified Standing Order of ECL. Learned advocate submits that though the 2nd Show Cause Notice (Exhibit M-7) appears to have been issued on 15.04.2017 which is prior to the date of submission of Enquiry Report to the Senior Manager (Min), Central Kajora Colliery on 20.04.2017, it is undisputed that Suku Majhi had opportunity to submit explanation against the charges proved against him in his reply dated 15.04.2017 (Exhibit M-8). The letter of termination dated 07.06.2017 (Exhibit M-9) was thereafter issued by the competent authority, the General Manager of Kajora Area after submission of the Enquiry Report, issuance of 2nd Show Cause Notice and providing opportunity to the charged employee to submit his reply. It is argued that there was no violation of natural justice in holding the Enquiry Proceeding against the workman. Therefore, there is no reason for interference with the decision of the management and order of termination issued against the workman. Learned advocate for the management in support of his argument relied upon a decision of the Hon'ble Supreme Court of India in the case of **Delhi Transport Corporation vs Sardar Singh [(Civil) No. 960 of 2003]** wherein it was observed that :

“Habitual absence is a factor which establishes lack of interest in work.”

10. Learned advocate further relied upon a decision of the Hon'ble High Court at Calcutta in the case of **Dayanand Paswan vs Coal India Limited and others [W.P. No. 874 of 2014]** where it was held that :

“.....The conduct and attitude of the petitioner appears to have been extremely casual and cavalier. In the judgment and order dated 20 April, 2016 delivered on WP No. 800 of 2014 (Some Majhi -vs- Coal India Ltd.) this court emphasised that an employee must take his duty seriously. He cannot take his employment for granted.

He must follow the rules and regulations of the employer company. He must conduct himself in a disciplined manner. He must perform his duties with responsibility. An employee should adhere to discipline not only for personal excellence but also for the collective good of the organization which he serves.....”

Learned advocate argued that the management had provided ample opportunity to the workman to represent his case. Consequently, there is no reason for interfering with the Order of Termination.

11. I have carefully considered the facts and circumstances of the case, the material evidence adduced by the parties and arguments advanced by the learned advocates. It is evident from the materials on record that Suku Majhi was habitually absent from his duty in the preceding years prior to the Domestic Enquiry initiated against him. He admittedly performed duty on 83 days out of 305 normal working days in the year 2014, 79 days out of 305 normal working days in the year 2015, 122 days out of 305 normal working days in the year 2016, and 17 days in 2017 (up to 25.02.2017). Instead of improving his attendance he was found to remain absent for 35 days without information or applying for any leave. After Charge Sheet was issued to the workman on the ground of habitual and long unauthorized absence (Exhibit M-1) the workman submitted a reply (Exhibit M-2) where he stated that he was suffering from some illness. It is worthwhile to note that he did not mention the nature of illness or the doctor under whom he received medical treatment. The management of the company initiated a Domestic Enquiry against Suku Majhi and Mr. Sayak Goswami, then Dy. Manager (Personnel), Central Kajora Colliery was appointed as the Enquiry Officer. Notice of enquiry was issued fixing 13.04.2017 for enquiry at the office of Dy. Manager (Personnel), Central Kajora Colliery. Suku Majhi participated in the enquiry proceeding and had put his signature on all the pages of enquiry proceeding (Exhibit M-6). In cross-examination the workman witness – 1, deposed that he made statement before the Enquiry Officer and did not ask for assistance of any co-worker at the time of Enquiry Proceeding. It is manifestly clear that the workman participated in the Enquiry Proceeding without raising objection nor did the Enquiry Officer turned down his prayer for taking assistance from any co-worker. The workman witness further deposed that he was not in a position to file any medical document before the Tribunal in support of his illness. He also did not want to examine any doctor relating his medical treatment. The workman witness admitted having received a 2nd Show Cause Notice and requested the authority to absolve him of the charges on the ground of his illness. I find that no satisfactory evidence has been adduced by the workman to establish his illness during his absence except a verbal plea. The charge of misconduct against him therefore stands proved and the management did not find any reason to extend further accommodation to the workman who disrupted work by his frequent absence from duty.

12. It is true that the 2nd Show Cause Notice issued by the Senior Manager (Min), Central Kajora Colliery on 15.04.2017 precedes the date of his perusal of Enquiry Report submitted before him on 20.04.2017. It may be borne in mind that the workman submitted a reply to the 2nd Show Cause Notice on 15.04.2017 and no objection was raised therefore there can be no denial of the fact that the 2nd Show Cause Notice was served upon the workman. From the endorsement on the reply to the 2nd Show Cause Notice I find that the Senior Manager (Min), Central Kajora Colliery have noted that reply was not found satisfactory and a report to be submitted to the competent authority for further action. The endorsement of Senior Manager (Min), Central Kajora Colliery was made on 19.04.2017 and the Order of Termination was issued by the General Manager of Kajora Area on 07.06.2017 stating that the service was terminated w.e.f. 06.06.2017. To my mind a single discrepancy in the date of submission of the Enquiry Report to the Senior Manager (Min), Central Kajora Colliery and his issuance of 2nd Show Cause Notice does not destroy the case materially so long as opportunity had been granted to the charged employee to explain the findings against him. The competent authority has issued the order of termination of service which explicitly reasoned out why the service of the charged employee was being terminated. I do not find any violation of natural justice in holding the Enquiry Proceeding, nor any illegality in the decision of terminating the employee who found to be habitually absent from his duty which was contrary to the discipline he was required to adhere. The punishment imposed against the workman therefore does not appears to be disproportionate as he was a habitual absentee and often absented without intimation, hampering the production process and the work of employer. In view of my discussion, I find no reason to interfere with the order of termination passed against the workman and hold that the workman is not entitled to any relief against the management. The Industrial Dispute is accordingly dismissed on contest.

Hence,

ORDERED

that an Award be drawn up to the effect that the Industrial Dispute raised by Bharatiya Mazdoor Sangh on behalf of Suku Majhi is dismissed on contest. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer